

105TH CONGRESS
1ST SESSION

H. R. 2400

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 1997

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Building Efficient Surface Transportation and Equity
6 Act of 1997”.

7 (b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Savings clause.

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- Sec. 104. Apportionments.
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1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) INTERSTATE SYSTEM.—The term “Inter-
 4 state System” has the meaning such term has under
 5 section 101 of title 23, United States Code.

6 (2) SECRETARY.—The term “Secretary” means
 7 the Secretary of Transportation.

8 **SEC. 3. SAVINGS CLAUSE.**

9 Except as otherwise provided in this Act, an amend-
 10 ment made by this Act shall not affect any funds appor-
 11 tioned or allocated before the date of the enactment of
 12 this Act.

13 **TITLE I—FEDERAL-AID** 14 **HIGHWAYS**

15 **SEC. 101. AMENDMENTS TO TITLE 23, UNITED STATES** 16 **CODE.**

17 Except as otherwise specifically provided, whenever in
 18 this title an amendment or repeal is expressed in terms
 19 of an amendment to, or repeal of, a section or other provi-

1 sion of law, the reference shall be considered to be made
 2 to a section or other provision of title 23, United States
 3 Code.

4 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—The following sums are author-
 6 ized to be appropriated out of the Highway Trust Fund
 7 (other than the Mass Transit Account):

8 (1) INTERSTATE MAINTENANCE PROGRAM.—

9 For the Interstate maintenance program under sec-
 10 tion 119 of title 23, United States Code,
 11 \$4,019,500,000 for fiscal year 1998,
 12 \$4,462,600,000 for fiscal year 1999, and
 13 \$5,006,200,000 for fiscal year 2000.

14 (2) NATIONAL HIGHWAY SYSTEM.—For the Na-
 15 tional Highway System under section 103 of such
 16 title \$4,978,500,000 for fiscal year 1998,
 17 \$5,520,500,000 for fiscal year 1999, and
 18 \$6,186,500,000 for fiscal year 2000.

19 (3) BRIDGE PROGRAM.—For the bridge pro-
 20 gram under section 144 of such title \$3,777,600,000
 21 for fiscal year 1998, \$4,194,000,000 for fiscal year
 22 1999, and \$4,704,800,000 for fiscal year 2000.

23 (4) SURFACE TRANSPORTATION PROGRAM.—

24 For the surface transportation program under sec-
 25 tion 133 of such title \$5,601,400,000 for fiscal year

1 1998, \$6,218,900,000 for fiscal year 1999, and
2 \$6,976,300,000 for fiscal year 2000.

3 (5) CONGESTION MITIGATION AND AIR QUALITY
4 IMPROVEMENT PROGRAM.—For the congestion miti-
5 gation and air quality improvement program under
6 section 149 of such title \$1,406,800,000 for fiscal
7 year 1998, \$1,561,900,000 for fiscal year 1999, and
8 \$1,752,200,000 for fiscal year 2000.

9 (6) HIGH RISK ROAD SAFETY IMPROVEMENT
10 PROGRAM.—For the high risk road safety improve-
11 ment program under section 154 of such title
12 \$750,000,000 for fiscal year 1998, \$1,000,000,000
13 for fiscal year 1999, and \$1,000,000,000 for fiscal
14 year 2000.

15 (7) HIGH COST INTERSTATE SYSTEM RECON-
16 STRUCTION AND IMPROVEMENT PROGRAM.—For the
17 high cost Interstate System reconstruction and im-
18 provement program under section 160 of such title
19 \$250,000,000 for fiscal year 1998, \$625,000,000 for
20 fiscal year 1999, and \$1,000,000,000 for fiscal year
21 2000.

22 (8) DISCRETIONARY PROGRAMS.—For executive
23 and legislative branch discretionary programs au-
24 thorized by this Act \$1,842,200,000 for fiscal year

1 1998, \$2,236,200,000 for fiscal year 1999, and
2 \$2,476,200,000 for fiscal year 2000.

3 (9) APPALACHIAN DEVELOPMENT HIGHWAY
4 SYSTEM PROGRAM.—For the Appalachian develop-
5 ment highway system program under section 201 of
6 the Appalachian Regional Development Act of 1965
7 (40 U.S.C. App) \$250,000,000 for fiscal year 1998,
8 \$400,000,000 for fiscal year 1999, and
9 \$400,000,000 for fiscal year 2000.

10 (10) RECREATIONAL TRAILS PROGRAM.—For
11 the recreational trails program under section 206 of
12 such title \$30,000,000 for fiscal year 1998,
13 \$40,000,000 for fiscal year 1999, and \$50,000,000
14 for fiscal year 2000.

15 (11) FEDERAL LANDS HIGHWAYS PROGRAM.—

16 (A) INDIAN RESERVATION ROADS.—For
17 Indian reservation roads under section 204 of
18 such title \$194,000,000 for fiscal year 1998,
19 \$200,000,000 for fiscal year 1999, and
20 \$212,000,000 for fiscal year 2000.

21 (B) PUBLIC LANDS HIGHWAYS.—For pub-
22 lic lands highways under section 204 of such
23 title \$58,000,000 for fiscal year 1998,
24 \$60,000,000 for fiscal year 1999, and
25 \$60,000,000 for fiscal year 2000.

1 (C) PARKWAYS AND PARK HIGHWAYS.—

2 For parkways and park highways under section
3 204 of such title \$85,300,000 for fiscal year
4 1998, \$86,200,000 for fiscal year 1999, and
5 \$99,000,000 for fiscal year 2000.

6 (D) FOREST HIGHWAYS.—For forest high-
7 ways under section 204 of such title
8 \$113,500,000 for fiscal year 1998,
9 \$130,000,000 for fiscal year 1999, and
10 \$130,000,000 for fiscal year 2000.

11 (12) HIGHWAY USE TAX EVASION PROJECTS.—
12 For highway use tax evasion projects under section
13 1040 of the Intermodal Surface Transportation Effi-
14 ciency Act of 1991 (23 U.S.C. 101 note; 105 Stat.
15 1992) \$5,000,000 for fiscal year 1998 and
16 \$10,000,000 for each of fiscal years 1999 and 2000.

17 (b) DISADVANTAGED BUSINESS ENTERPRISES.—

18 (1) GENERAL RULE.—Except to the extent that
19 the Secretary determines otherwise, not less than 10
20 percent of the amounts authorized to be appro-
21 priated under titles I, II, III, IV, and VI of this Act
22 shall be expended with small business concerns
23 owned and controlled by socially and economically
24 disadvantaged individuals.

1 (2) DEFINITIONS.—For purposes of this sub-
2 section, the following definitions apply:

3 (A) SMALL BUSINESS CONCERN.—The
4 term “small business concern” has the meaning
5 such term has under section 3 of the Small
6 Business Act (15 U.S.C. 632); except that such
7 term shall not include any concern or group of
8 concerns controlled by the same socially and
9 economically disadvantaged individual or indi-
10 viduals which has average annual gross receipts
11 over the preceding 3 fiscal years in excess of
12 \$16,600,000, as adjusted by the Secretary for
13 inflation.

14 (B) SOCIALLY AND ECONOMICALLY DIS-
15 ADVANTAGED INDIVIDUALS.—The term “so-
16 cially and economically disadvantaged individ-
17 uals” has the meaning such term has under
18 section 8(d) of the Small Business Act (15
19 U.S.C. 637(d)) and relevant subcontracting reg-
20 ulations promulgated pursuant thereto; except
21 that women shall be presumed to be socially
22 and economically disadvantaged individuals for
23 purposes of this subsection.

1 **SEC. 103. OBLIGATION CEILING.**

2 (a) GENERAL LIMITATION.—Notwithstanding any
3 other provision of law (other than subsection (e) of this
4 section), the total of all obligations for Federal-aid high-
5 way programs shall not exceed—

- 6 (1) \$22,300,000,000 for fiscal year 1998;
7 (2) \$25,500,000,000 for fiscal year 1999; and
8 (3) \$28,600,000,000 for fiscal year 2000.

9 (b) EXCEPTIONS.—The limitations under subsection
10 (a) shall not apply to obligations—

- 11 (1) under section 125 of title 23, United States
12 Code;
13 (2) under section 157 of such title;
14 (3) under section 147 of the Surface Transpor-
15 tation Assistance Act of 1978;
16 (4) under section 9 of the Federal-Aid Highway
17 Act of 1981;
18 (5) under sections 131(b) and 131(j) of the
19 Surface Transportation Assistance Act of 1982;
20 (6) under sections 149(b) and 149(c) of the
21 Surface Transportation and Uniform Relocation As-
22 sistance Act of 1987;
23 (7) under sections 1103 through 1108 of the
24 Intermodal Surface Transportation Efficiency Act of
25 1991; and

1 (8) under section 127(b) of this Act, relating to
2 high priority projects.

3 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—

4 For each of fiscal years 1998, 1999, and 2000, the Sec-
5 retary shall—

6 (1) not distribute amounts authorized for ad-
7 ministrative expenses and programs funded from the
8 administrative takedown authorized by section
9 104(a) of title 23, United States Code, and amounts
10 authorized for the highway use tax evasion program
11 and the Bureau of Transportation Statistics;

12 (2) determine the ratio that—

13 (A) the obligation limitation imposed by
14 subsection (a) for such fiscal year less the ag-
15 gregate of amounts not distributed under para-
16 graph (1), bears to

17 (B) the total of the sums authorized to be
18 appropriated for Federal-aid highway programs
19 (other than sums authorized to be appropriated
20 for sections referred to in subsection (b)) for
21 such fiscal year less the aggregate of amounts
22 not distributed under paragraph (1);

23 (3)(A) multiply the ratio determined under
24 paragraph (2) by the sums authorized to be appro-
25 priated for such fiscal year for each of the programs

1 that are allocated by the Secretary under this Act
2 and title 23, United States Code (other than the rec-
3 reational trails program and programs to which
4 paragraph (1) applies);

5 (B) not distribute such amount for each such
6 program (other than the recreational trails program
7 and programs to which paragraph (1) applies); and

8 (C) in administering such program, allocate
9 such amount for such program;

10 (4) distribute the obligation limitation imposed
11 by subsection (a) less the aggregate of amounts not
12 distributed under paragraphs (1) and (3) and less
13 amounts distributed under paragraph (5) by alloca-
14 tion in the ratio which sums authorized to be appro-
15 priated for Federal-aid highway programs that are
16 apportioned or allocated to each State for such fiscal
17 year and that are subject to the limitation imposed
18 by subsection (a) bear to the total of the sums au-
19 thorized to be appropriated for Federal-aid highway
20 programs that are apportioned or allocated for such
21 fiscal year and that are subject to the limitation im-
22 posed by subsection (a); and

23 (5) distribute any amount determined under
24 paragraph (3) for the recreational trails program in
25 accordance with the formula set forth in section

1 104(h) of title 23, United States Code, for such pro-
2 gram.

3 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
4 THORITY.—Notwithstanding subsection (c), the Secretary
5 shall—

6 (1) provide all States with authority sufficient
7 to prevent lapses of sums authorized to be appro-
8 priated for Federal-aid highway programs that have
9 been apportioned to a State; and

10 (2) after August 1 of each of fiscal years 1998,
11 1999, and 2000 revise a distribution of the obliga-
12 tion authority made available under subsection (c) if
13 a State will not obligate the amount distributed dur-
14 ing that fiscal year and redistribute sufficient
15 amounts to those States able to obligate amounts in
16 addition to those previously distributed during that
17 fiscal year giving priority to those States having
18 large unobligated balances of funds apportioned
19 under sections 104 and 144 of title 23, United
20 States Code, under section 160 of title 23, United
21 States Code (as in effect on the day before the date
22 of the enactment of this Act), and under section
23 1015 of the Intermodal Surface Transportation Act
24 of 1991 (105 Stat. 1943–1945).

25 (e) ADDITIONAL OBLIGATION AUTHORITY.—

1 (1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), a State which after August 1 and on or be-
3 fore September 30 of fiscal year 1998, 1999, or
4 2000 obligates the amount distributed to such State
5 in such fiscal year under subsections (c) and (d)
6 may obligate for Federal-aid highway programs on
7 or before September 30 of such fiscal year an addi-
8 tional amount not to exceed 5 percent of the aggre-
9 gate amount of funds apportioned or allocated to
10 such State—

11 (A) under sections 104 and 144 of title 23,
12 United States Code, under section 160 of title
13 23, United States Code (as in effect on the day
14 before the date of the enactment of this Act),
15 and under section 1015 of the Intermodal Sur-
16 face Transportation Act of 1991 (105 Stat.
17 1943–1945), and

18 (B) for highway assistance projects under
19 section 103(e)(4) of such title,
20 which are not obligated on the date such State com-
21 pletes obligation of the amount so distributed.

22 (2) LIMITATION ON ADDITIONAL OBLIGATION
23 AUTHORITY.—During the period August 2 through
24 September 30 of each of fiscal years 1998, 1999,
25 and 2000, the aggregate amount which may be obli-

1 gated by all States pursuant to paragraph (1) shall
2 not exceed 2.5 percent of the aggregate amount of
3 funds apportioned or allocated to all States—

4 (A) under sections 104 and 144 of title 23,
5 United States Code, under section 160 of title
6 23, United States Code (as in effect on the day
7 before the date of the enactment of this Act),
8 and under section 1015 of the Intermodal Sur-
9 face Transportation Act of 1991 (105 Stat.
10 1943–1945), and

11 (B) for highway assistance projects under
12 section 103(e)(4) of such title,

13 which would not be obligated in such fiscal year if
14 the total amount of obligational authority provided
15 by subsection (a) for such fiscal year were utilized.

16 (3) APPLICABILITY.—Paragraph (1) shall not
17 apply to any State which on or after August 1 of
18 each of fiscal years 1998, 1999, and 2000 has the
19 amount distributed to such State under subsection
20 (c) for such fiscal year reduced under subsection
21 (d)(2).

22 (f) APPLICABILITY OF OBLIGATION LIMITATIONS TO
23 TRANSPORTATION RESEARCH PROGRAMS.—Obligation
24 limitations for Federal-aid highways programs established
25 by subsection (a) shall apply to transportation research

1 programs carried out under chapter 3 of title 23, United
2 States Code, and under title VI of this Act.

3 (g) REDISTRIBUTION OF CERTAIN AUTHORIZED
4 FUNDS.—

5 (1) IN GENERAL.—Not later than 30 days after
6 the date of the distribution of obligation authority
7 under subsection (a) for each of fiscal years 1998,
8 1999, and 2000, the Secretary shall distribute to the
9 States any funds (A) that are authorized to be ap-
10 propriated for such fiscal year for Federal-aid high-
11 way programs (other than the program under sec-
12 tion 160 of title 23, United States Code) and for
13 carrying out subchapter I of chapter 311 of title 49,
14 United States Code, and chapter 4 of title 23, Unit-
15 ed States Code, and (B) that the Secretary deter-
16 mines will not be allocated to the States, and will
17 not be available for obligation, in such fiscal year
18 due to the imposition of any obligation limitation for
19 such fiscal year. Such distribution to the States shall
20 be made in the same ratio as the distribution of obli-
21 gation authority under subsection (c)(5). The funds
22 so distributed shall be available for any purposes de-
23 scribed in section 133(b) of title 23, United States
24 Code.

1 (2) HIGH COST INTERSTATE SYSTEM RECON-
2 STRUCTION AND IMPROVEMENT PROGRAM FUNDS.—
3 Not later than 30 days after the date of the dis-
4 tribution of obligation authority under subsection (c)
5 for each of fiscal years 1998, 1999, and 2000, the
6 Secretary shall distribute to the States any funds
7 that are authorized to be appropriated for such fis-
8 cal year to carry out the high cost interstate system
9 reconstruction and improvement program under sec-
10 tion 160 of title 23, United States Code, and that
11 will not be available for obligation in such fiscal year
12 due to the imposition of any obligation limitation for
13 such fiscal year. Such distribution to the States shall
14 be made in the same ratio as funds are apportioned
15 under section 104(b)(5) of such title. The funds so
16 distributed to a State shall be credited to the State’s
17 apportionment under such section 104(b)(5).

18 **SEC. 104. APPORTIONMENTS.**

19 (a) ADMINISTRATIVE TAKEDOWN.—Section 104(a) is
20 amended to read as follows:

21 “(a) ADMINISTRATIVE TAKEDOWN.—Whenever an
22 apportionment is made of the sums authorized to be ap-
23 propriated for expenditure on Interstate maintenance, the
24 National Highway System, the bridge program, the sur-
25 face transportation program, the congestion mitigation

1 and air quality improvement program, the high risk road
2 safety program, the high cost interstate system recon-
3 struction and improvement program, the national corridor
4 planning and development program, the border infrastruc-
5 ture and safety program, and the Federal lands highways
6 program, the Secretary shall deduct a sum, in such
7 amount not to exceed 1½ percent of all sums so author-
8 ized, as the Secretary may deem necessary for administer-
9 ing the provisions of law to be financed from appropria-
10 tions for the Federal-aid highway program. In making
11 such determination, the Secretary shall take into account
12 the unobligated balance of any sums deducted for such
13 purposes in prior years. The sums so deducted shall re-
14 main available until expended. The Secretary may not
15 transfer any of such sums to a Federal entity other than
16 the Federal Highway Administration.”.

17 (b) APPORTIONMENTS.—Section 104(b) is amended
18 to read as follows:

19 “(b) APPORTIONMENTS.—On October 1 of each fiscal
20 year, the Secretary, after making the deduction authorized
21 by subsection (a) and the set aside authorized by sub-
22 section (f), shall apportion the remainder of the sums au-
23 thorized to be appropriated for expenditure on Interstate
24 maintenance, the National Highway System, the surface
25 transportation program, the congestion mitigation and air

1 quality improvement program, and the high risk road safe-
2 ty program for that fiscal year, among the several States
3 in the following manner:

4 “(1) NATIONAL HIGHWAY SYSTEM.—For the
5 National Highway System, 1 percent to the Virgin
6 Islands, Guam, American Samoa, and the Common-
7 wealth of the Northern Mariana Islands and the re-
8 maining 99 percent apportioned as follows:

9 “(A) In the case of a State with an aver-
10 age population density of 20 persons or fewer
11 per square mile, and in the case of a State with
12 a population of 1,500,000 persons or fewer and
13 with a land area of 10,000 square miles or less,
14 the greater of—

15 “(i) a percentage share of the remain-
16 ing apportionments equal to the percentage
17 specified for the State in section 104(h)(1)
18 of the Building Efficient Surface Trans-
19 portation and Equity Act of 1997; or

20 “(ii) a share determined under sub-
21 paragraph (B).

22 “(B) Subject to subparagraph (A), in the
23 case of any State for which the apportionment
24 is not determined under subparagraph (A)(i), a

1 share of the remaining apportionments deter-
2 mined in accordance with the following formula:

3 “(i) $\frac{1}{9}$ of the remaining apportion-
4 ments in the ratio that the total rural lane
5 miles in each State bears to the total rural
6 lane miles in all States for which the ap-
7 portionment is not determined under sub-
8 paragraph (A)(i).

9 “(ii) $\frac{1}{9}$ of the remaining apportion-
10 ments in the ratio that the total rural vehi-
11 cle miles traveled in each State bears to
12 the total rural vehicle miles traveled in all
13 States for which the apportionment is not
14 determined under subparagraph (A)(i).

15 “(iii) $\frac{2}{9}$ of the remaining apportion-
16 ments in the ratio that the total urban
17 lane miles in each State bears to the total
18 urban lane miles in all States for which the
19 apportionment is not determined under
20 subparagraph (A)(i).

21 “(iv) $\frac{2}{9}$ of the remaining apportion-
22 ments in the ratio that the total urban ve-
23 hicle miles traveled in each State bears to
24 the total urban vehicle miles traveled in all

1 States for which the apportionment is not
2 determined under subparagraph (A)(i).

3 “(v) $\frac{3}{9}$ of the remaining apportion-
4 ments in the ratio that each State’s annual
5 contributions to the Highway Trust Fund
6 (other than the Mass Transit Account) at-
7 tributable to commercial vehicles bear to
8 the total of such annual contributions by
9 all States for which the apportionment is
10 not determined under subparagraph (A)(i).

11 “(2) CONGESTION MITIGATION AND AIR QUAL-
12 ITY IMPROVEMENT PROGRAM.—

13 “(A) FORMULA.—For the congestion miti-
14 gation and air quality improvement program, in
15 the ratio which the weighted nonattainment and
16 maintenance area populations of each State
17 bear to the total weighted nonattainment and
18 maintenance area population of all States.

19 “(B) CALCULATION OF WEIGHTED POPU-
20 LATION.—Such weighted population shall be
21 calculated by multiplying the population of each
22 area within any State that was a nonattainment
23 or maintenance area as described in subsection
24 149(b) for ozone, carbon monoxide, or particu-
25 late matter by a factor of—

1 “(i) 1.0 if, at the time of the appor-
2 tionment, the area has been redesignated
3 as an attainment (maintenance) area
4 under section 107(d) of the Clean Air Act;

5 “(ii) 1.1 if, at the time of appor-
6 tionment, the area is classified as a marginal
7 ozone nonattainment area under subpart 2
8 of part D of title I of the Clean Air Act;

9 “(iii) 1.2 if, at the time of appor-
10 tionment, the area is classified as a moderate
11 ozone nonattainment area under such sub-
12 part;

13 “(iv) 1.3 if, at the time of appor-
14 tionment, the area is classified as a serious
15 ozone nonattainment area under such sub-
16 part;

17 “(v) 1.4 if, at the time of appor-
18 tionment, the area is classified as a severe
19 ozone nonattainment area under such sub-
20 part;

21 “(vi) 1.5 if, at the time of appor-
22 tionment, the area is classified as an extreme
23 ozone nonattainment area under such sub-
24 part; or

1 “(vii) 1.2. if, at the time of apportion-
2 ment, the area is not a nonattainment or
3 maintenance area as described in sub-
4 section 149(b) of this title for ozone, but
5 is a nonattainment area for carbon mon-
6 oxide or particulate matter.

7 “(C) ADDITIONAL FACTORS.—If the area
8 was also classified under subpart 3 or 4 of part
9 D of title I of the Clean Air Act as a nonattain-
10 ment area described in section 149(b) for car-
11 bon monoxide or particulate matter or both, the
12 weighted nonattainment area population of the
13 area, as determined under clauses (i) through
14 (vi) of subparagraph (B), shall be further mul-
15 tiplied by a factor of 1.2. For an area that is
16 a nonattainment area for both carbon monoxide
17 and for particulate matter and the area’s
18 weighted population was determined under
19 clause (vii) of subparagraph (B), the area’s
20 weighted population shall be further multiplied
21 by a factor of 1.2. For such areas, the popu-
22 lation to which this factor is applied shall be
23 the larger of the carbon monoxide and the par-
24 ticulate matter nonattainment area populations.

1 “(D) MINIMUM APPORTIONMENT.—Not-
2 withstanding any other provision of this para-
3 graph, each State shall receive a minimum of
4 $\frac{1}{2}$ of 1 percent of the funds apportioned under
5 this paragraph. The Secretary shall use annual
6 estimates prepared by the Secretary of Com-
7 merce when determining population figures.

8 “(3) SURFACE TRANSPORTATION PROGRAM.—

9 “(A) IN GENERAL.—For the surface trans-
10 portation program, 2 percent to the State of
11 Alaska for any purpose described in section
12 133(b) and the remaining 98 percent appor-
13 tioned as follows:

14 “(i) $\frac{1}{3}$ in the ratio that each State’s
15 total population bears to the total popu-
16 lation of all States, using the latest avail-
17 able annual updates to the Federal decen-
18 nial census, as prepared by the Secretary
19 of Commerce;

20 “(ii) $\frac{1}{3}$ in the ratio that each State’s
21 annual contributions to the Highway Trust
22 Fund (other than the Mass Transit Ac-
23 count) attributable to commercial vehicles
24 bear to the total of such annual contribu-
25 tions by all States; and

1 “(iii) $\frac{1}{3}$ in the ratio that each State’s
2 annual contributions to the Highway Trust
3 Fund (other than the Mass Transit Ac-
4 count) bear to the total of such annual
5 contributions by all States.

6 “(B) ADJUSTMENT.—The amount of funds
7 which, but for this subparagraph, would be ap-
8 portioned to each State for each fiscal year
9 under subparagraph (A) shall be increased or
10 decreased by an amount which, when added to
11 or subtracted from the aggregate amount of
12 funds apportioned or allocated to such State for
13 such fiscal year for Interstate maintenance, Na-
14 tional Highway System, surface transportation
15 program, bridge program, congestion mitigation
16 and air quality improvement program, high risk
17 road safety program, recreational trails pro-
18 gram, Appalachian Development Highway Sys-
19 tem program, and metropolitan planning will
20 ensure that the aggregate of such apportion-
21 ments to any State that does not contribute to
22 the Highway Trust Fund does not exceed the
23 aggregate of such apportionments to any State
24 that does contribute to the Highway Trust
25 Fund.

1 “(4) HIGH RISK ROAD SAFETY IMPROVEMENT
2 PROGRAM.—For the high risk road safety improve-
3 ment program—

4 “(A) $\frac{1}{3}$ in the ratio that each State’s total
5 population bears to the total population of all
6 States, using the latest available annual up-
7 dates to the Federal decennial census, as pre-
8 pared by the Secretary of Commerce;

9 “(B) $\frac{1}{3}$ in the ratio that each State’s total
10 public road mileage bears to the total public
11 road mileage of all States; and

12 “(C) $\frac{1}{3}$ in the ratio that the total vehicle
13 miles traveled on public roads in each State
14 bear to the total vehicle miles traveled on public
15 roads in all States.

16 “(5) INTERSTATE MAINTENANCE.—For resur-
17 facing, restoring, rehabilitating, and reconstructing
18 the Interstate System—

19 “(A) $\frac{1}{3}$ in the ratio that each State’s an-
20 nual contributions to the Highway Trust Fund
21 (other than the Mass Transit Account) attrib-
22 utable to commercial vehicles bear to the total
23 of such annual contributions by all States;

24 “(B) $\frac{1}{3}$ in the ratio that the total vehicle
25 miles traveled on Interstate routes open to traf-

1 fic on the date of the enactment of the Building
 2 Efficient Surface Transportation and Equity
 3 Act of 1997 in each State bear to the total ve-
 4 hicle miles traveled on such routes in all States;
 5 and

6 “(C) $\frac{1}{3}$ in the ratio that the total lane
 7 miles on such routes in each State bear to the
 8 total lane miles on such routes in all States.”.

9 (c) CONFORMING AMENDMENTS.—Section 104(d) is
 10 amended—

11 (1) in the subsection heading by striking “AND
 12 HIGH SPEED RAIL CORRIDORS”;

13 (2) by striking “(1) OPERATION LIFESAVER.—
 14 ” and moving the text of paragraph (1) so that it
 15 follows the subsection heading; and

16 (3) by striking paragraphs (2) and (3).

17 (d) CERTIFICATION OF APPORTIONMENTS.—Section
 18 104(e) is amended—

19 (1) by inserting “CERTIFICATION OF APPOR-
 20 TIONMENTS.—” after “(e)”;

21 (2) by inserting “(1) IN GENERAL.—” before
 22 “On October 1”;

23 (3) by striking the first parenthetical phrase;

24 (4) by striking “and research” the first place it
 25 appears;

1 (5) by striking the second sentence;

2 (6) by adding at the end the following:

3 “(2) NOTICE TO STATES.—If the Secretary has
4 not made an apportionment under section 104, 144,
5 or 157 of title 23, United States Code, on or before
6 the 21st of a fiscal year, then the Secretary shall
7 transmit, on or before such 21st day, to the Com-
8 mittee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on En-
10 vironment and Public Works of the Senate a written
11 statement of the reason for not making such appor-
12 tionment in a timely manner.”; and

13 (7) by indenting paragraph (1), as designated
14 by paragraph (2) of this subsection, and aligning
15 such paragraph (1) with paragraph (2) of such sec-
16 tion, as added by paragraph (6) of this subsection.

17 (e) METROPOLITAN PLANNING SETASIDE.—Section
18 104(f) is amended—

19 (1) in paragraph (1) by striking “, except” and
20 all that follows through “substitute programs”; and

21 (2) in paragraph (3) by striking “120(j) of this
22 title” and inserting “120(b)”.

23 (f) RECREATIONAL TRAILS PROGRAM.—Section
24 104(h) of such title is revised to read as follows:

25 “(h) RECREATIONAL TRAILS PROGRAM.—

1 “(1) ADMINISTRATIVE COSTS.—Whenever an
2 apportionment is made of the sums authorized to be
3 appropriated to carry out the recreational trails pro-
4 gram under section 206, the Secretary shall deduct
5 an amount, not to exceed 3 percent of the sums au-
6 thorized, to cover the cost to the Secretary for ad-
7 ministration of and research and technical assistance
8 under the recreational trails program and for admin-
9 istration of the National Recreational Trails Advi-
10 sory Committee. The Secretary may enter into con-
11 tracts with for-profit organizations or contracts,
12 partnerships, or cooperative agreements with other
13 government agencies, institutions of higher learning,
14 or nonprofit organizations to perform these tasks.

15 “(2) APPORTIONMENT TO THE STATES.—After
16 making the deduction authorized by paragraph (1)
17 of this subsection, the Secretary shall apportion the
18 remainder of the sums authorized to be appropriated
19 for expenditure on the recreational trails program
20 for each fiscal year, among the States in the follow-
21 ing manner:

22 “(A) 50 percent of that amount shall be
23 apportioned equally among eligible States.

24 “(B) 50 percent of that amount shall be
25 apportioned among eligible States in amounts

1 proportionate to the degree of non-highway rec-
 2 reational fuel use in each of those States during
 3 the preceding year.”.

4 (g) CROSS REFERENCE CORRECTIONS.—

5 (1) INTERSTATE MAINTENANCE PROGRAM.—

6 Sections 119(a) and 119(f) are each amended by
 7 striking “104(b)(5)(B)” each place it appears and
 8 inserting “104(b)(5)”.

9 (2) FRINGE AND CORRIDOR PARKING FACILI-
 10 TIES.—Section 137(f)(1) is amended by striking
 11 “section 104(b)(5)(B) of this title” and inserting
 12 “section 104(b)(5)”.

13 (3) ADDITIONS TO INTERSTATE SYSTEM.—Sec-
 14 tion 139 is amended by striking “section
 15 104(b)(5)(B) of this title” each place it appears and
 16 inserting “section 104(b)(5)”.

17 (4) ACCOMMODATION OF OTHER MODES.—Sec-
 18 tion 142(c) is amended by striking “section
 19 104(b)(5)(A)” and inserting “section 104(b)(5)”.

20 (5) MINIMUM DRINKING AGES.—Section 158 is
 21 amended—

22 (A) by striking “104(b)(2), 104(b)(5), and
 23 104(b)(6)” each place it appears in subsection
 24 (a) and inserting “104(b)(3), and 104(b)(5)”;

1 (B) in the heading to subsection (b) is
 2 amended by striking “PERIOD OF AVAILABIL-
 3 ITY;”; and

4 (C) in subsection (b)—

5 (i) by striking “(1)” the first place it
 6 appears and all that follows through “No
 7 funds” and inserting “No funds”; and

8 (iii) by striking paragraphs (2), (3),
 9 and (4).

10 (6) SUSPENSION OF LICENSES OF INDIVIDUALS
 11 CONVICTED OF DRUG OFFENSES.—Section 159(b) is
 12 amended—

13 (A) by striking “PERIOD OF AVAILABIL-
 14 ITY;” in the subsection heading; and

15 (B) by striking “(1)” the first place it ap-
 16 pears and all that follows through “(B) No”
 17 and inserting “No”; and

18 (C) by striking paragraphs (2), (3), and
 19 (4).

20 (7) OPERATION OF MOTOR VEHICLES BY IN-
 21 TOXICATED MINORS.—Section 161(a) is amended by
 22 striking “(B)” each place it appears.

23 (h) STATE PERCENTAGES FOR NATIONAL HIGHWAY
 24 SYSTEM APPORTIONMENTS.—

1 (1) IN GENERAL.—The percentage referred to
 2 in section 104(b)(1) of title 23, United States Code,
 3 for each State shall be determined in accordance
 4 with the following table:

States:	Adjustment percentage
Alabama	2.02
Alaska	1.24
Arizona	1.68
Arkansas	1.32
California	9.81
Colorado	1.23
Connecticut	1.64
Delaware	0.40
District of Columbia	0.52
Florida	4.77
Georgia	3.60
Hawaii	0.70
Idaho	0.70
Illinois	3.71
Indiana	2.63
Iowa	1.13
Kansas	1.10
Kentucky	1.91
Louisiana	1.63
Maine	0.50
Maryland	1.64
Massachusetts	1.68
Michigan	3.34
Minnesota	1.56
Mississippi	1.23
Missouri	2.45
Montana	0.95
Nebraska	0.73
Nevada	0.67
New Hampshire	0.48
New Jersey	2.28
New Mexico	1.05
New York	4.27
North Carolina	2.83
North Dakota	0.76
Ohio	3.77
Oklahoma	1.55
Oregon	1.23
Pennsylvania	4.12
Puerto Rico	0.50
Rhode Island	0.55
South Carolina	1.63
South Dakota	0.70
Tennessee	2.30
Texas	7.21

States:	Adjustment percentage
Utah	0.71
Vermont	0.43
Virginia	2.61
Washington	1.75
West Virginia	0.76
Wisconsin	1.91
Wyoming	0.66.

1 (2) ADDITIONAL RULE.—Any State with lane
2 miles on the National Highway System totaling be-
3 tween 3,500 and 4,000 miles shall be treated as a
4 State meeting the requirements of section
5 104(b)(1)(A) of title 23, United States Code, for
6 purposes of such section.

7 (i) USE OF MOST UP-TO-DATE DATA.—The Sec-
8 retary shall use the most up-to-date data available for the
9 latest fiscal year for the purposes of making apportion-
10 ments under this section and section 157 of title 23, Unit-
11 ed States Code.

12 **SEC. 105. INTERSTATE MAINTENANCE PROGRAM.**

13 Section 119 is further amended—

14 (1) in subsection (a)—

15 (A) by striking “and rehabilitating” and
16 inserting “, rehabilitating, and reconstructing”;

17 (B) by striking “of this title and” and in-
18 serting a comma;

19 (C) by striking “this sentence” and insert-
20 ing “the Building Efficient Surface Transpor-
21 tation and Equity Act of 1997”;

1 (D) by striking “of this title;” and insert-
 2 ing “, and any segments that become part of
 3 the Interstate System under section 1105(e)(5)
 4 of the Intermodal Surface Transportation Effi-
 5 ciency Act of 1991;”; and

6 (E) by striking “subsection (e)” and in-
 7 serting “section 129 or continued in effect by
 8 section 1012(d) of the Intermodal Surface
 9 Transportation Efficiency Act of 1991 and not
 10 voided by the Secretary under section 120(c) of
 11 the Surface Transportation and Uniform Relo-
 12 cation Assistance Act of 1987 (101 Stat. 159)”;
 13 (2) by striking subsections (b), (c), and (e); and
 14 (3) by redesignating subsections (d), (f), and
 15 (g) as subsections (b), (c), and (d), respectively.

16 **SEC. 106. NATIONAL HIGHWAY SYSTEM.**

17 (a) COMPONENTS.—Section 103(b) is amended—

18 (1) by striking the last 4 sentences of para-
 19 graph (2)(B);

20 (2) in paragraph (2)(C) by striking “and be
 21 subject to approval by Congress in accordance with
 22 paragraph (3)”;

23 (3) in paragraph (2)(D) by striking “and sub-
 24 ject to approval by Congress in accordance with
 25 paragraph (3)”.

1 (b) MAXIMUM MILEAGE.—Section 103(b) is amend-
2 ed—

3 (1) by striking paragraphs (3) and (4) and in-
4 serting the following:

5 “(3) MAXIMUM MILEAGE.—The mileage of
6 highways on the National Highway System shall not
7 exceed 155,000 miles; except that the Secretary may
8 increase or decrease such maximum mileage by not
9 to exceed 15 percent.”; and

10 (2) by redesignating paragraphs (5) and (6) as
11 paragraphs (4) and (5), respectively.

12 (c) DESIGNATION.—Section 103(b)(4), as so redesign-
13 nated by subsection (b)(2) of this section, is amended—

14 (1) by inserting “(A) BASIC SYSTEM.—” before
15 “The National”;

16 (2) by inserting after subparagraph (A), as so
17 designated by paragraph (1) of this subsection, the
18 following:

19 “(B) INTERMODAL CONNECTORS.—The
20 modifications to the National Highway System
21 that consist of highway connections to major
22 ports, airports, international border crossings,
23 public transportation and transit facilities,
24 interstate bus terminals, and rail and other
25 intermodal transportation facilities, as submit-

1 ted to Congress by the Secretary on the map
2 dated May 24, 1996, are designated within the
3 United States, including the District of Colum-
4 bia and the Commonwealth of Puerto Rico.”;
5 and

6 (3) by indenting such subparagraph (A) and
7 aligning it with subparagraph (B), as inserted by
8 paragraph (2) of this subsection.

9 (d) MODIFICATIONS.—Section 103(b)(5)(A), as re-
10 designated by subsection (b)(2) of this section, is amended
11 by inserting “or, in the case of the strategic highway net-
12 work, that are proposed by the Secretary in consultation
13 with appropriate Federal agencies and the States” before
14 “if the Secretary”.

15 (e) CONFORMING AMENDMENTS.—Section 103(b) is
16 amended—

17 (1) in paragraph (5), as redesignated by sub-
18 section (b)(2) of this section, by striking “Subject to
19 paragraph (7), the” and inserting “The”;

20 (2) by striking paragraph (7);

21 (3) by redesignating paragraph (8) as para-
22 graph (6); and

23 (4) in paragraph (6), as so redesignated, by
24 striking “paragraph (5)” and inserting “paragraph
25 (4)”.

1 (f) TECHNICAL AMENDMENT.—Section 103 is
2 amended—

3 (1) by redesignating paragraphs (1) through
4 (13) of subsection (i) as subparagraphs (A) through
5 (M), respectively;

6 (2) by redesignating subsection (i) as paragraph
7 (7);

8 (3) by moving such paragraph (7) (including
9 such subparagraphs) to the end of subsection (b);
10 and

11 (4) by moving such paragraph (7) (including
12 such subparagraphs) 2 ems to the right.

13 (g) EFFECT ON EXISTING APPORTIONMENTS.—The
14 amendments made by this section shall not affect funds
15 apportioned or allocated under title 23, United States
16 Code, before the date of the enactment of this Act.

17 (h) INTERMODAL FREIGHT CONNECTORS STUDY.—

18 (1) REPORT.—Not later than 24 months after
19 the date of the enactment of this Act, the Secretary
20 shall review the condition of and improvements made
21 to connectors on the National Highway System ap-
22 proved by this Act that serve seaports, airports, and
23 other intermodal freight transportation facilities
24 since the designation of the National Highway Sys-

1 tem and shall report to Congress on the results of
2 such review.

3 (2) REVIEW.—In preparing the report, the Sec-
4 retary shall review the connectors designated by this
5 Act as part of the National Highway System and
6 identify projects carried out on those connectors
7 which were intended to provide and improve service
8 to an intermodal facility referred to in paragraph (1)
9 and to facilitate the efficient movement of freight,
10 including movements of freight between modes.

11 (3) IDENTIFICATION OF IMPEDIMENTS.—If the
12 Secretary determines on the basis of the review that
13 there are impediments to improving the connectors
14 serving intermodal facilities referred to in paragraph
15 (1), the Secretary shall identify such impediments,
16 including any funding for such connectors, and make
17 any appropriate recommendations as part of the
18 Secretary's report to Congress.

19 (i) HIGHWAY SIGNS ON THE NATIONAL HIGHWAY
20 SYSTEM.—

21 (1) COMPETITION.—The Secretary shall con-
22 duct in accordance with this subsection a national
23 children's competition to design a national logo sign
24 for the routes comprising the National Highway Sys-

1 tem. Children 14 years of age and under shall be eli-
2 gible for such competition.

3 (2) PANEL OF JUDGES.—The Secretary shall
4 appoint a panel of not less than 6 persons to evalu-
5 ate all designs submitted under the competition and
6 select a winning design. The panel shall be composed
7 of—

8 (A) a representative of the Department of
9 Transportation;

10 (B) a representative designated by the
11 American Association of State Highway and
12 Transportation Officials;

13 (C) a representative of the motor carrier
14 industry;

15 (D) a representative of private organiza-
16 tions dedicated to advancement of the arts; and

17 (E) a representative of the motoring pub-
18 lic.

19 (3) REPORT AND PLAN.—Not later than 24
20 months after the date of the enactment of this sec-
21 tion, the Secretary shall initiate and complete the
22 competition and submit to the Committee on Trans-
23 portation and Infrastructure of the House of Rep-
24 resentatives and the Committee on Environment and
25 Public Works of the Senate a report on the results

1 of the competition, a plan for the placement of logo
 2 signs on the National Highway System, and an esti-
 3 mate of the cost of implementing such plan.

4 **SEC. 107. HIGHWAY BRIDGE PROGRAM.**

5 (a) APPORTIONMENT FORMULA.—Section 144(e) is
 6 amended by inserting before the period at the end of the
 7 fourth sentence the following: “, and, if a State transfers
 8 funds apportioned to it under this section in a fiscal year
 9 beginning after September 30, 1997, to any other appor-
 10 tionment of funds to such State under this title, the total
 11 cost of deficient bridges in such State and in all States
 12 to be determined for the succeeding fiscal year shall be
 13 reduced by the amount of such transferred funds”.

14 (b) DISCRETIONARY BRIDGE SET ASIDE.—Section
 15 144(g)(1) is amended—

16 (1) by inserting “(A) FISCAL YEARS 1992
 17 THROUGH 1997.—” before “Of the amounts”;

18 (2) by adding at the end the following:

19 “(B) FISCAL YEARS 1998 THROUGH 2000.—
 20 The amounts authorized for each of fiscal years
 21 1998, 1999, and 2000 by section 127(a)(1) of
 22 the Building Efficient Surface Transportation
 23 and Equity Act of 1997 shall be at the discre-
 24 tion of the Secretary.”; and

1 (3) by indenting subparagraph (A), as so des-
2 ignated by paragraph (2) of this subsection, and
3 aligning such subparagraph (A) with subparagraph
4 (B), as inserted by paragraph (2) of this subsection.

5 (c) OFF SYSTEM BRIDGE SET ASIDE.—Section
6 144(g)(3) is amended—

7 (1) by striking “, 1988” and all that follows
8 through “1997,” and inserting “through 2000,”;
9 and

10 (2) by striking “system” each place it appears
11 and inserting “highway”.

12 (d) ELIGIBILITY.—Section 144 is amended—

13 (1) in subsection (d) by inserting after “magne-
14 sium acetate” the following: “or agriculturally de-
15 rived, environmentally acceptable, minimally corro-
16 sive anti-icing and de-icing compositions or installing
17 scour countermeasures”;

18 (2) in subsection (d) by inserting after “such
19 acetate” each place it appears the following: “or
20 such anti-icing or de-icing composition or installation
21 of such countermeasures”; and

22 (3) in subsection (g)(3) by inserting after
23 “magnesium acetate” the following: “or agricultur-
24 ally derived, environmentally acceptable, minimally

1 corrosive anti-icing and de-icing compositions or in-
 2 stall scour countermeasures”.

3 (e) CONFORMING AMENDMENT.—Section 144(n) is
 4 amended by striking “system” and inserting “highway”.

5 **SEC. 108. SURFACE TRANSPORTATION PROGRAM.**

6 (a) ESTABLISHMENT OF PROGRAM.—Section 133(a)
 7 is amended by inserting after “establish” the following:
 8 “and implement.”.

9 (b) APPLICATION OF ANTI-ICING AND DE-ICING COM-
 10 POSITIONS TO BRIDGES.—Section 133(b)(1) is amended
 11 by inserting after “magnesium acetate” the following: “or
 12 agriculturally derived, environmentally acceptable, mini-
 13 mally corrosive anti-icing and de-icing compositions”.

14 (c) TRANSPORTATION CONTROL MEASURES.—Sec-
 15 tion 133(b)(9) is amended by striking “clauses (xii) and”
 16 and inserting “clause”.

17 (d) ENVIRONMENTAL RESTORATION AND POLLUTION
 18 ABATEMENT PROJECTS.—Section 133(b) is amended by
 19 adding at the end the following:

20 “(12) Environmental restoration and pollution
 21 abatement projects, including the retrofit or con-
 22 struction of storm water treatment systems, to ad-
 23 dress water pollution or environmental degradation
 24 caused or contributed to by existing transportation
 25 facilities at the time such transportation facilities

1 are undergoing reconstruction, rehabilitation, resur-
2 facing, or restoration; except that the expenditure of
3 funds under this section for any such environmental
4 restoration or pollution abatement project shall not
5 exceed 20 percent of the total cost of the reconstruc-
6 tion, rehabilitation, resurfacing, or restoration
7 project.”.

8 (e) DIVISION OF FUNDS.—Section 133(d)(3)(B) is
9 amended by adding at the end the following: “Notwith-
10 standing subsection (c), up to 15 percent of the amounts
11 required to be obligated under this subparagraph may be
12 obligated on roads functionally classified as minor collec-
13 tors”.

14 (f) PROGRAM APPROVAL.—Section 133(e)(2) is
15 amended to read as follows:

16 “(2) PROGRAM APPROVAL.—Each State shall
17 submit a project agreement for each fiscal year, cer-
18 tifying that the State will meet all the requirements
19 of this section and notifying the Secretary of the
20 amount of obligations needed to administer the sur-
21 face transportation program. Each State shall re-
22 quest adjustments to the amount of obligations as
23 needed. The Secretary’s approval of the project
24 agreement shall be deemed a contractual obligation
25 of the United States for the payment of surface

1 transportation program funds provided under this
2 title.”.

3 (g) CONFORMING AMENDMENT.—Section 134(f) is
4 amended by striking “6-fiscal year period 1992 through
5 1997” and inserting “fiscal years for which funds are
6 made available by the Building Efficient Surface Trans-
7 portation and Equity Act of 1997”.

8 **SEC. 109. CONGESTION MITIGATION AND AIR QUALITY IM-**
9 **PROVEMENT PROGRAM.**

10 (a) ESTABLISHMENT OF PROGRAM.—Section 149(a)
11 is amended by inserting after “establish” the following:
12 “and implement”.

13 (b) CURRENTLY ELIGIBLE PROJECTS.—Section
14 149(b) is amended—

15 (1) in paragraph (1)(A) by striking “clauses
16 (xii) and”; and inserting “clause”;

17 (2) by striking “or” at the end of paragraph
18 (3);

19 (3) by striking “standard.” at the end of para-
20 graph (4) and inserting “standard; or”;

21 (4) by inserting after paragraph (4) the follow-
22 ing:

23 “(5) if the program or project would have been
24 eligible for funding on or before September 30,

1 1997, under guidance issued by the Secretary to im-
 2 plement this section.”; and

3 (5) by striking the second sentence and insert-
 4 ing the following: “Funds may be provided under
 5 this section for a project which will result in the con-
 6 struction of new capacity available to single occu-
 7 pant vehicles and available to high occupancy vehi-
 8 cles if the project is otherwise eligible for assistance
 9 under this section.”.

10 (c) STUDY OF EFFECTIVENESS OF CMAQ PRO-
 11 GRAM.—

12 (1) STUDY.—The Secretary shall request the
 13 National Academy of Sciences to study the impact
 14 of the congestion mitigation and air quality improve-
 15 ment program on the air quality of nonattainment
 16 areas. The study shall, at a minimum—

17 (A) determine the amount of funds obli-
 18 gated under such program in each nonattain-
 19 ment area and to make a comprehensive analy-
 20 sis of the types of projects funded under such
 21 program;

22 (B) identify any improvements to or deg-
 23 radations of the air quality in each nonattain-
 24 ment area; and

1 (C) measure the impact of the projects
2 funded under such program on the air quality
3 of each nonattainment area.

4 (2) REPORT.—Not later than January 1, 2000,
5 the National Academy of Sciences shall transmit to
6 the Secretary, the Committee on Transportation and
7 Infrastructure of the House of Representatives, and
8 the Committee on Environment and Public Works of
9 the Senate a report on the results of the study with
10 recommendations for modifications to the congestion
11 mitigation and air quality improvement program in
12 light of the results of the study.

13 (3) FUNDING.—Before making the apportion-
14 ment of funds under section 104(b)(2) for each of
15 fiscal years 1998 and 1999, the Secretary shall de-
16 duct from the amount to be apportioned under such
17 section for such fiscal year, and make available,
18 \$500,000 for such fiscal year to carry out this sub-
19 section.

20 **SEC. 110. HIGH RISK ROAD SAFETY IMPROVEMENT PRO-**
21 **GRAM.**

22 (a) IN GENERAL.—Chapter 1 is amended by insert-
23 ing after section 153 the following:

1 **“§ 154. High risk road safety improvement program**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish and implement a high risk road safety improvement
4 program in accordance with this section.

5 “(b) ELIGIBLE PROJECTS.—A State may obligate
6 funds apportioned to it under section 104(b)(4) only for
7 construction and operational improvement projects on
8 high risk roads and only if the primary purpose of the
9 project is to improve highway safety on a high risk road.

10 “(c) STATE ALLOCATION SYSTEM.—Each State shall
11 establish a system for allocating funds apportioned to it
12 under section 104(b)(4) among projects eligible for assist-
13 ance under this section that have the highest benefits to
14 highway safety. Such system may include a safety man-
15 agement system established by the State under section
16 303 or a survey established pursuant to section 152(a).

17 “(d) TRANSFERABILITY.—A State may transfer not
18 to exceed 50 percent of the amount of funds apportioned
19 to it under section 104(b)(4) for any fiscal year to the
20 apportionment of such State under section 104(b)(1) or
21 104(b)(3) or both.

22 “(e) APPLICABILITY OF PLANNING REQUIRE-
23 MENTS.—Programming and expenditure of funds for
24 projects under this section shall be consistent with the re-
25 quirements of sections 134 and 135.

1 “(f) DEFINITIONS.—In this section, the following
2 definitions apply:

3 “(1) HIGH RISK ROAD.—The term ‘high risk
4 road’ means any Federal-aid highway or segment of
5 a Federal-aid highway—

6 “(A) on which a significant number of se-
7 vere motor vehicle crashes occur; or

8 “(B) which has current, or will likely have,
9 increases in traffic volume that are likely to cre-
10 ate a potential for severe crash consequences in
11 a significant number of motor vehicle crashes.

12 “(2) SEVERE CRASH.—The term ‘severe crash’
13 means a motor vehicle crash in which a fatality or
14 incapacitating injury occurs.”.

15 (b) CONFORMING AMENDMENT.—The table of sec-
16 tions for chapter 1 is amended by inserting after the item
17 relating to section 153 the following:

“154. High risk road safety improvement program.”.

18 **SEC. 111. MINIMUM ALLOCATION.**

19 (a) GENERAL RULES.—Section 157(a) is amended—
20 (1) in paragraph (4)—

21 (A) by striking “THEREAFTER” and in-
22 serting “FISCAL YEARS 1992–1997; and

23 (B) by striking “fiscal years 1992 and
24 each fiscal year thereafter” and inserting “each
25 of fiscal years 1992 through 1997”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(5) THEREAFTER.—In fiscal year 1998 and
4 each fiscal year thereafter on October 1, or as soon
5 as possible thereafter, the Secretary shall allocate
6 among the States amounts sufficient to ensure that
7 a State’s percentage of the total apportionments in
8 each such fiscal year for Interstate maintenance, the
9 National Highway System, the bridge program, the
10 surface transportation program, the congestion miti-
11 gation and air quality improvement program, the
12 high risk road safety improvement program, the rec-
13 reational trails program, the Appalachian Develop-
14 ment Highway System program, and metropolitan
15 planning shall not be less than 95 percent of the
16 percentage of estimated tax payments attributable to
17 highway users in the State paid into the Highway
18 Trust Fund, other than the Mass Transit Account,
19 in the latest fiscal year for which data are avail-
20 able.”.

21 (b) AVAILABILITY OF FUNDS.—Section 157(b) is
22 amended—

23 (1) by inserting before “Amounts allocated” the
24 following: “AVAILABILITY OF FUNDS”;

1 (2) by striking “Interstate highway substitute,”
2 and all that follows through “crossing projects” and
3 inserting “any purpose described in section 133(b)”;
4 and

5 (3) by inserting before the period at the end
6 “and section 103(c) of the Building Efficient Sur-
7 face Transportation and Equity Act of 1997”.

8 (c) CONFORMING AMENDMENTS.—Section 157 is fur-
9 ther amended—

10 (1) in subsection (d) by striking “154(f) or”;
11 and

12 (2) in subsection (e) by inserting before “In
13 order” the following: “AUTHORIZATION OF APPRO-
14 PRIATIONS.—”.

15 (d) MINIMUM ALLOCATION ADJUSTMENT.—If the
16 Secretary—

17 (1) determines that—

18 (A) the ratio of—

19 (i) the aggregate of funds made avail-
20 able by this Act, including any amend-
21 ments made by this Act, that are appor-
22 tioned to a State for Federal-aid highway
23 programs (including funds allocated to the
24 State under section 157 of title 23, United

1 States Code) for fiscal year 1998, 1999, or
2 2000, to

3 (ii) the aggregate of such funds ap-
4 portioned to all States for such programs
5 for such fiscal year, is less than

6 (B) the ratio of—

7 (i) estimated tax payments attrib-
8 utable to highway users in the State paid
9 into the Highway Trust Fund, other than
10 the Mass Transit Account, in the latest fis-
11 cal year for which data are available, to

12 (ii) the estimated tax payments attrib-
13 utable to highway users in all States paid
14 into such Trust Fund in such latest fiscal
15 year; and

16 (2) determines that—

17 (A) the ratio determined under paragraph
18 (1)(A)(i), is less than

19 (B) the ratio of—

20 (i) the aggregate of funds made avail-
21 able by the Intermodal Surface Transpor-
22 tation Efficiency Act of 1991, including
23 any amendments made by such Act, and
24 section 202 of the National Highway Sys-
25 tem Designation Act of 1995 that are ap-

1 portioned to the State for Federal-aid
2 highway programs (other than Federal
3 lands highway programs and projects
4 under sections 1103–1108 of the Inter-
5 modal Surface Transportation Efficiency
6 Act of 1991) for fiscal years 1992 through
7 1997, to

8 (ii) the aggregate of such funds ap-
9 portioned to all States for such programs
10 for such fiscal years;

11 the Secretary shall allocate under such section 157 to the
12 State amounts sufficient to ensure that the State’s per-
13 centage of total apportionments for Federal-aid highway
14 programs (including allocations under such section 157)
15 for such fiscal year 1998, 1999, or 2000 under this Act,
16 including any amendments made by this Act, is equal to
17 the State’s percentage of total apportionments for Fed-
18 eral-aid highway programs (other than Federal lands
19 highway programs and projects under sections 1103–1008
20 of the Intermodal Surface Transportation Efficiency Act
21 of 1991) for fiscal year 1997 under the Intermodal Sur-
22 face Transportation Efficiency Act of 1991, including any
23 amendments made by such Act, and section 202 of the
24 National Highway System Designation Act of 1995. The
25 allocation shall be made on October 1 of such fiscal year

1 1998, 1999, or 2000 or as soon as possible thereafter and
2 shall be in addition to any other allocation to the State
3 under such section 157 for such fiscal year.

4 **SEC. 112. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

5 (a) APPORTIONMENT.—The Secretary shall appor-
6 tion funds made available by section 102 for fiscal years
7 1998, 1999, and 2000 among the States based on the lat-
8 est available cost to complete estimate for the Appalachian
9 Development Highway System prepared by the Appalach-
10 ian Regional Commission, unless the Appalachian Re-
11 gional Commission adopts a alternative method for dis-
12 tribution. In general, no State containing Appalachian De-
13 velopment Highway System routes shall receive an appor-
14 tionment of less than \$1,000,000. For fiscal years 1999
15 and 2000, any alternative method for distribution adopted
16 by the Appalachian Regional Commission must be commu-
17 nicated to the Secretary at least 30 days prior to the be-
18 ginning of the fiscal year in which the apportionment is
19 to be made. Such funds shall be available to construct
20 highways on such system.

21 (b) APPLICABILITY OF TITLE 23.—Funds authorized
22 by section 102 of this Act for the Appalachian develop-
23 ment highway system under section 201 of the Appalach-
24 ian Regional Development Act of 1965 shall be available
25 for obligation in the same manner as if such funds were

1 apportioned under chapter 1 of title 23, United States
 2 Code, except that the Federal share of the cost of any
 3 project under this section shall be determined in accord-
 4 ance with such section 201 and such funds shall remain
 5 available until expended.

6 (c) FEDERAL SHARE FOR PRE-FINANCED
 7 PROJECTS.—Section 201(h)(1) of the Appalachian Re-
 8 gional Development Act of 1965 (40 U.S.C. App.) is
 9 amended by striking “70” and inserting “80”.

10 (d) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—
 11 Section 201 of such Act is amended by adding at the end
 12 the following new subsection:

13 “(i) DEDUCTION FOR ADMINISTRATIVE EX-
 14 PENSES.—On October 1 of each fiscal year, or as soon
 15 as is practicable thereafter, there shall be deducted, for
 16 the expenses of the Appalachian Regional Commission in
 17 administering the funds authorized under this section for
 18 such year, not to exceed 3.75 percent of the funds made
 19 available for such year under subsection (g) of this sec-
 20 tion.”.

21 **SEC. 113. HIGH COST INTERSTATE SYSTEM RECONSTRUC-**
 22 **TION AND IMPROVEMENT PROGRAM.**

23 (a) IN GENERAL.—Section 160 is amended to read
 24 as follows:

1 **“§ 160. High cost interstate system reconstruction**
2 **and improvement program**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish and implement a high cost interstate system recon-
5 struction and improvement program in accordance with
6 this section.

7 “(b) ELIGIBLE PROJECTS.—Funds made available to
8 carry out the high cost interstate reconstruction and im-
9 provement program under this section for a fiscal year
10 shall be available for obligation by the Secretary for any
11 major reconstruction or improvement project to any high-
12 way designated as part of the Interstate System and open
13 to traffic before the date of the enactment of the Building
14 Efficient Surface Transportation and Equity Act of 1997.
15 Such funds shall be made available by the Secretary to
16 any State applying for such funds only if the Secretary
17 determines that—

18 “(1) the total cost of the project is greater than
19 the lesser of \$200,000,000 or 50 percent of the ag-
20 gregate amount of funds apportioned to the State
21 under this title for such fiscal year;

22 “(2) the project is a ready-to-commence project;

23 “(3) the State agrees that it will not transfer
24 funds apportioned to it under section 104(b)(5) for
25 such fiscal year to any other program category; and

1 “(4) the applicant agrees to obligate the funds
2 within 1 year of the date the funds are made avail-
3 able.

4 “(c) ALLOCATION OF FUNDS.—Of the funds made
5 available to carry out the program under this section, the
6 Secretary shall allocate—

7 “(1) not less than \$165,000,000 for fiscal year
8 1998, \$412,500,000 for fiscal year 1999, and
9 \$660,000,000 for fiscal year 2000 among States in
10 the ratio that the estimated cost of carrying out
11 projects determined by the Secretary to be eligible
12 for funding under subsection (b) in each State bears
13 to the estimated cost of carrying out such projects
14 in all of the States; and

15 “(2) at the discretion of the Secretary, not
16 more than the amounts set forth in section
17 127(a)(2) for each of fiscal years 1998, 1999, and
18 2000 for projects eligible for assistance under this
19 section to—

20 “(A) meet an extraordinary need for fund-
21 ing; or

22 “(B) help expedite completion of a project
23 of national significance.

24 “(d) UNALLOCATED FUNDS.—

1 “(1) APPORTIONMENT.—If, on August 1 of fis-
2 cal year 1998 and each fiscal year thereafter, the
3 Secretary determines that funds authorized to be al-
4 located in such fiscal year for the program under
5 this section will not be allocated in such fiscal year
6 as a result of not enough projects being eligible for
7 assistance under this section, the Secretary shall ap-
8 portion under section 104(b)(5) such funds among
9 the States for the Interstate maintenance program.

10 “(2) REDISTRIBUTION OF OBLIGATION AU-
11 THORITY.—The Secretary shall also redistribute on
12 such August 1 any obligation authority that is allo-
13 cated for the fiscal year under section 103(c)(4) of
14 the Building Efficient Surface Transportation and
15 Equity Act of 1997 attributable to the program
16 under this section and that the Secretary determines
17 will not be used before September 30 of such fiscal
18 year among the States (other than a State from
19 which obligation authority for such fiscal year is re-
20 distributed under section 103(d) of such Act) in the
21 same ratio as set forth in section 103(c)(5) of such
22 Act.

23 “(e) APPLICABILITY OF PLANNING REQUIRE-
24 MENTS.—Programming and expenditure of funds for

1 projects under this section shall be consistent with the re-
 2 quirements of sections 134 and 135.

3 “(f) FUTURE ALLOCATIONS.—

4 “(1) DETERMINATIONS.—The Secretary shall,
 5 in cooperation with States and affected metropolitan
 6 planning organizations, determine—

7 “(A) the expected condition of the Inter-
 8 state System over the next 10 years and the
 9 needs of States and metropolitan planning or-
 10 ganizations to reconstruct and improve the
 11 Interstate System; and

12 “(B) a method to allocate funds made
 13 available under this section that would—

14 “(i) address the needs identified in
 15 subparagraph (A);

16 “(ii) provide a fair and equitable dis-
 17 tribution of such funds; and

18 “(iii) allow for States to address any
 19 extraordinary needs.

20 “(2) REPORT.—The determination made under
 21 paragraph (1) shall be submitted to Congress in a
 22 report not later than January 1, 2000.”.

23 (b) CONFORMING AMENDMENT.—The table of sec-
 24 tions for chapter 1 is amended by striking the item relat-
 25 ing to section 160 and inserting the following:

“160. High cost interstate system reconstruction and improvement program.”.

1 **SEC. 114. RECREATIONAL TRAILS PROGRAM.**

2 (a) IN GENERAL.—Chapter 2 of title 23, United
3 States Code, is amended by inserting after section 205 the
4 following:

5 **“SEC. 206. RECREATIONAL TRAILS PROGRAM.**

6 “(a) IN GENERAL.—The Secretary, in consultation
7 with the Secretary of the Interior and the Secretary of
8 Agriculture, shall administer a national program for the
9 purposes of providing and maintaining recreational trails.

10 “(b) STATEMENT OF INTENT.—Funds made avail-
11 able to carry out the recreational trails program under this
12 section are to be derived from revenues collected through
13 motor fuel taxes from nonhighway users and are to be
14 used on trails and trail-related projects which have been
15 planned and developed under the otherwise existing laws,
16 policies, and administrative procedures within each State,
17 and which are identified in, or which further a specific
18 goal of, a trail plan included or referenced in a statewide
19 comprehensive outdoor recreation plan required by the
20 Land and Water Conservation Fund Act of 1965 (16
21 U.S.C. 460l–4 et seq.).

22 “(c) STATE ELIGIBILITY.—A State shall be eligible
23 to obligate funds apportioned to it under section 104(h)
24 only if—

25 “(1) the Governor of the State has designated
26 the State agency or agencies that will be responsible

1 for administering funds received under this section;
2 and

3 “(2) a recreational trail advisory committee on
4 which both motorized and nonmotorized recreational
5 trail users are fairly represented exists within the
6 State.

7 “(d) FEDERAL SHARE PAYABLE.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graphs (2), (3), (4), and (5), the Federal share pay-
10 able on account of a project under this section shall
11 not exceed 50 percent.

12 “(2) FEDERAL AGENCY PROJECT SPONSOR.—
13 Notwithstanding any other provision of law, a Fed-
14 eral agency sponsoring a project under this section
15 may contribute additional Federal funds toward a
16 project’s cost if the share attributable to the Sec-
17 retary does not exceed 50 percent and the share at-
18 tributable to the Secretary and the Federal agency
19 jointly does not exceed 80 percent.

20 “(3) ALLOWABLE MATCH FROM FEDERAL PRO-
21 GRAMS.—The following Federal programs may be
22 used to contribute additional Federal funds toward
23 a project’s cost and may be accounted for as contrib-
24 uting to the non-Federal share:

1 “(A) State and Local Fiscal Assistance Act
2 of 1972 (Public Law 92–512).

3 “(B) HUD Community Development Block
4 Grants (Public Law 93–383).

5 “(C) Public Works Employment Act of
6 1976 (Public Law 94–369).

7 “(D) Acts establishing national heritage
8 corridors and areas.

9 “(E) Job Training Partnership Act of
10 1982 (Public Law 97–300).

11 “(F) National and Community Service
12 Trust Act of 1993 (Public Law 103–82).

13 “(G) Personal Responsibility and Work
14 Opportunity Reconciliation Act of 1996 (Public
15 Law 104–93).

16 “(4) PROGRAMMATIC NON-FEDERAL SHARE.—A
17 State may allow adjustments of the non-Federal
18 share of individual projects in a fiscal year if the
19 total Federal share payable for all projects within
20 the State carried out under this section with funds
21 apportioned to the State under section 104(h) for
22 such fiscal year does not exceed 50 percent. For
23 purposes of this paragraph, a project funded under
24 paragraph (2) or (3) of this subsection may not be

1 included in the calculation of the programmatic non-
2 Federal share.

3 “(5) STATE ADMINISTRATIVE COSTS.—The
4 Federal share payable on account of the administra-
5 tive costs of a State under subsection (e)(1)(A) shall
6 be determined in accordance with section 120(b).

7 “(e) USE OF FUNDS.—

8 “(1) PERMISSIBLE USES.—A State may use
9 funds apportioned to it under section 104(h)—

10 “(A) in an amount not exceeding 7 percent
11 of such funds, for administrative costs of the
12 State;

13 “(B) in an amount not exceeding 5 percent
14 of such funds, for operation of environmental
15 protection education and safety education pro-
16 grams relating to the use of recreational trails;

17 “(C) for development and rehabilitation of
18 urban trail linkages to provide connections to
19 and among neighborhoods and community cen-
20 ters and between trails;

21 “(D) for maintenance of existing rec-
22 reational trails, including the grooming and
23 maintenance of trails across snow;

1 “(E) for restoration of areas damaged by
2 usage of recreational trails, including back
3 country terrain;

4 “(F) for development and rehabilitation of
5 trail-side and trail-head facilities that meet
6 goals identified by the National Recreational
7 Trails Advisory Committee;

8 “(G) for provision of features which facili-
9 tate the access and use of trails by persons with
10 disabilities;

11 “(H) for acquisition of easements for
12 trails, or for trail corridors identified in a State
13 trail plan;

14 “(I) for acquisition of fee simple title to
15 property from a willing seller, when the objec-
16 tive of the acquisition cannot be accomplished
17 by acquisition of an easement or by other
18 means;

19 “(J) for construction of new trails on
20 State, county, municipal, or private lands,
21 where a recreational need for such construction
22 is shown; and

23 “(K) only as otherwise permissible and
24 where necessary and required by a statewide
25 comprehensive outdoor recreation plan, for con-

1 construction of new trails crossing Federal lands if
2 such construction is approved by the admin-
3 istering agency of the State and the Federal
4 agency or agencies charged with management of
5 all impacted lands and if such approval is con-
6 tingent upon compliance by the Federal agency
7 with all applicable laws, including the National
8 Environmental Policy Act (42 U.S.C. 4321 et
9 seq.), the Forest and Rangeland Renewable Re-
10 sources Planning Act of 1974 (16 U.S.C. 1600
11 et seq.), and the Federal Land Policy and Man-
12 agement Act (43 U.S.C. 1701 et seq.).

13 “(2) USE NOT PERMITTED.—A State may not
14 use funds apportioned to it under section 104(h)—

15 “(A) for condemnation of any kind of in-
16 terest in property;

17 “(B)(i) for construction of any recreational
18 trail on National Forest System lands for mo-
19 torized uses unless—

20 “(I) such lands have been allocated
21 for uses other than wilderness by an ap-
22 proved forest land and resource manage-
23 ment plan or have been released to uses
24 other than wilderness by an Act of Con-
25 gress, and

1 “(II) such construction is otherwise
2 consistent with the management direction
3 in such approved land and resource man-
4 agement plan; or

5 “(ii) for construction of any recreational
6 trail on Bureau of Land Management lands for
7 motorized uses unless—

8 “(I) such lands have been allocated
9 for uses other than wilderness by an ap-
10 proved Bureau of Land Management re-
11 source management plan or have been re-
12 leased to uses other than wilderness by an
13 Act of Congress, and

14 “(II) such construction is otherwise
15 consistent with the management direction
16 in such approved management plans; or

17 “(C) for upgrading, expanding, or other-
18 wise facilitating motorized use or access to
19 trails predominantly used by non-motorized
20 trail users and on which, as of May 1, 1991,
21 motorized use is either prohibited or has not oc-
22 curred.

23 “(3) GRANTS.—

24 “(A) IN GENERAL.—A State may provide
25 funds apportioned to it under section 104(h) to

1 make grants to private individuals, organiza-
2 tions, municipal, county, State, and Federal
3 government entities, and other government enti-
4 ties as approved by the State after considering
5 guidance from the recreational trail advisory
6 committee satisfying the requirements of sub-
7 section (c)(2), for uses consistent with this sec-
8 tion.

9 “(B) COMPLIANCE.—A State that makes
10 grants under subparagraph (A) shall establish
11 measures to verify that recipients comply with
12 the specified conditions for the use of grant
13 moneys.

14 “(4) ASSURED ACCESS TO FUNDS.—Except as
15 provided under paragraph (7), not less than 30 per-
16 cent of the funds apportioned to a State in a fiscal
17 year under section 104(h) shall be reserved for uses
18 relating to motorized recreation, and not less than
19 30 percent of such funds shall be reserved for uses
20 relating to non-motorized recreation.

21 “(5) ENVIRONMENTAL MITIGATION.—

22 “(A) REQUIREMENT.—To the extent prac-
23 ticable and consistent with other requirements
24 of this section, in complying with paragraph
25 (4), a State should give consideration to project

1 proposals that provide for the redesign, recon-
2 struction, nonroutine maintenance, or relocation
3 of trails in order to mitigate and minimize the
4 impact to the natural environment.

5 “(B) GUIDANCE.—A recreational trail ad-
6 visory committee satisfying the requirements of
7 subsection (c)(2) shall issue guidance to a State
8 for the purposes of implementing subparagraph
9 (A).

10 “(6) DIVERSIFIED TRAIL USE.—

11 “(A) REQUIREMENT.—To the extent prac-
12 ticable and consistent with other requirements
13 of this section, a State shall expend funds ap-
14 portioned to it under section 104(h) in a man-
15 ner that gives preference to project proposals
16 which—

17 “(i) provide for the greatest number
18 of compatible recreational purposes, includ-
19 ing those described in subsection (g)(3); or

20 “(ii) provide for innovative rec-
21 reational trail corridor sharing to accom-
22 modate motorized and non-motorized rec-
23 reational trail use.

24 This paragraph shall remain effective with re-
25 spect to a State until such time as the State

1 has allocated not less than 40 percent of funds
2 apportioned to it under section 104(h) in such
3 manner.

4 “(B) COMPLIANCE.—The State shall re-
5 ceive guidance for determining compliance with
6 subparagraph (A) from the recreational trail
7 advisory committee satisfying the requirements
8 of subsection (c)(2).

9 “(7) EXEMPTIONS.—

10 “(A) SMALL STATE.—Any State with a
11 total land area of less than 3,500,000 acres and
12 in which nonhighway recreational fuel use ac-
13 counts for less than 1 percent of all such fuel
14 use in the United States shall be exempted
15 from the requirements of paragraph (4) upon
16 application to the Secretary by the State dem-
17 onstrating that it meets the conditions of this
18 paragraph.

19 “(B) STATE RECREATIONAL TRAIL ADVI-
20 SORY COMMITTEE.—If approved by the State
21 recreational trail advisory committee satisfying
22 the requirements of subsection (c)(2), the State
23 may be exempted from the requirements of
24 paragraph (4).

1 “(8) CONTINUING RECREATIONAL USE.—At the
2 option of each State, funds apportioned to it under
3 section 104(h) may be treated as Land and Water
4 Conservation Fund moneys for the purposes of sec-
5 tion 6(f)(3) of the Land and Water Conservation
6 Fund Act.

7 “(9) CREDIT FOR DONATIONS OF FUNDS, MA-
8 TERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—Noth-
9 ing in this title or any other law shall prevent a
10 project sponsor from offering to donate funds, mate-
11 rials, services, or new right-of-way for the purposes
12 of a project eligible for assistance. Any funds, or the
13 fair market value of any materials, services, or new
14 right-of-way may be donated by any project sponsor
15 and shall be credited to the non-Federal share in ac-
16 cordance with subsection (d). Any funds or the fair
17 market value of any materials or services may be
18 provided by a Federal project sponsor and shall be
19 credited as part of that Federal agency’s share
20 under subsection (d)(2).

21 “(10) RECREATIONAL PURPOSE.—A project
22 funded under this section is intended to enhance rec-
23 reational opportunity and is not subject to the provi-
24 sions of section 303 of title 49 or section 138 of this
25 title.

1 “(f) COORDINATION OF ACTIVITIES.—

2 “(1) COOPERATION BY FEDERAL AGENCIES.—

3 Each agency of the United States that manages land
4 on which a State proposes to construct or maintain
5 a recreational trail pursuant to this section is en-
6 couraged to cooperate with the State and the Sec-
7 retary in planning and carrying out the activities de-
8 scribed in subsection (e). Nothing in this section di-
9 minishes or in any way alters the land management
10 responsibilities, plans, and policies established by
11 such agencies pursuant to other applicable laws.

12 “(2) COOPERATION BY PRIVATE PERSONS.—

13 “(A) WRITTEN ASSURANCES.—As a condi-
14 tion to making available funds for work on rec-
15 reational trails that would affect privately
16 owned land, a State shall obtain written assur-
17 ances that the owner of the property will co-
18 operate with the State and participate as nec-
19 essary in the activities to be conducted.

20 “(B) PUBLIC ACCESS.—Any use of funds
21 apportioned to a State under section 104(h) on
22 private lands must be accompanied by an ease-
23 ment or other legally binding agreement that
24 ensures public access to the recreational trail
25 improvements funded by those funds.

1 “(g) APPLICABILITY OF CHAPTER 1.—Funds made
2 available to carry out this section shall be available for
3 obligation in the same manner as if such funds were ap-
4 portioned under chapter 1; except that the Federal share
5 payable for a project using such funds shall be determined
6 in accordance with this section and such funds shall re-
7 main available until expended.

8 “(h) DEFINITIONS.—In this section, the following
9 definitions apply:

10 “(1) ELIGIBLE STATE.—The term ‘eligible
11 State’ means a State that meets the requirements of
12 subsection (c).

13 “(2) NONHIGHWAY RECREATIONAL FUEL.—The
14 term ‘nonhighway recreational fuel’ has the meaning
15 such term has under section 9503(c)(6) of the Inter-
16 nal Revenue Code of 1986.

17 “(3) RECREATIONAL TRAIL.—The term ‘rec-
18 reational trail’ means a thoroughfare or track across
19 land or snow, used for recreational purposes such as
20 bicycling, cross-country skiing, day hiking, eques-
21 trian activities (including carriage driving), jogging
22 or similar fitness activities, skating or
23 skateboarding, trail biking, overnight or long-dis-
24 tance backpacking, snowmobiling, aquatic or water
25 activity, or vehicular travel by motorcycle, four-wheel

1 drive or all-terrain off-road vehicles, without regard
 2 to whether it is a ‘National Recreation Trail’ des-
 3 ignated under section 4 of the National Trails Sys-
 4 tem Act (16 U.S.C. 1243).

5 “(4) MOTORIZED RECREATION.—The term ‘mo-
 6 torized recreation’ means off-road recreation using
 7 any motor-powered vehicle, except for motorized
 8 wheelchairs.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
 10 chapter 2 is amended by inserting after the item relating
 11 to section 205 the following:

“206. Recreational trails program.”.

12 (c) REPEAL OF OBSOLETE PROVISION.—Section
 13 1302 of the Intermodal Surface Transportation Efficiency
 14 Act of 1991 (16 U.S.C. 1261) is repealed.

15 (d) TERMINATION OF ADVISORY COMMITTEE.—Sec-
 16 tion 1303 of such Act (16 U.S.C. 1262) is amended by
 17 adding at the end the following:

18 “(j) TERMINATION.—The advisory committee estab-
 19 lished by this section shall terminate on September 30,
 20 2000.”.

21 **SEC. 115. NATIONAL CORRIDOR PLANNING AND DEVELOP-**
 22 **MENT PROGRAM.**

23 (a) IN GENERAL.—The Secretary shall establish and
 24 implement a program to make allocations to States for
 25 coordinated planning and design of corridors of national

1 significance, economic growth, and international or inter-
2 regional trade. A State may apply to the Secretary for
3 allocations under this section.

4 (b) ELIGIBILITY OF CORRIDORS.—The Secretary
5 may make allocations under this section only with respect
6 to the following corridors:

7 (1) High priority corridors identified in section
8 1105(c) of the Intermodal Surface Transportation
9 Efficiency Act of 1991.

10 (2) The creation or upgrade of any other sig-
11 nificant regional or multistate highway corridor not
12 identified in whole or in part in paragraph (1) that
13 the Secretary determines would—

14 (A) facilitate international or interregional
15 trade; or

16 (B) encourage or facilitate major
17 multistate or regional mobility and economic
18 growth and development in areas underserved
19 by existing highway infrastructure.

20 (c) PURPOSES.—Allocations may be made under this
21 section for 1 or more of the following purposes:

22 (1) Feasibility studies.

23 (2) Comprehensive corridor planning and design
24 activities.

25 (3) Location and routing studies.

1 (4) Environmental review.

2 (5) Multistate and intrastate coordination for
3 corridors described in subsection (b).

4 (d) CORRIDOR DEVELOPMENT AND MANAGEMENT
5 PLAN.—A State receiving an allocation under this section
6 shall develop, in consultation with the Secretary, a devel-
7 opment and management plan for the corridor with re-
8 spect to which the allocation is being made. Such plan
9 shall include, at a minimum, the following elements:

10 (1) A complete and comprehensive analysis of
11 corridor costs and benefits.

12 (2) A coordinated corridor development plan
13 and schedule, including a timetable for completion of
14 all planning and development activities, environ-
15 mental reviews and permits, and construction of all
16 segments.

17 (3) A finance plan, including any innovative fi-
18 nancing methods and, if the corridor is a multistate
19 corridor, a State-by-State breakdown of corridor fi-
20 nances.

21 (4) The results of any environmental reviews
22 and mitigation plans.

23 (5) The identification of any impediments to
24 the development and construction of the corridor, in-

1 cluding any environmental, social, political and eco-
2 nomic objections.

3 In the case of a multistate corridor, the Secretary shall
4 ensure that all States having jurisdiction over any portion
5 of such corridor will participate in the development of such
6 plan.

7 (e) APPLICABILITY OF TITLE 23.—Funds made
8 available by section 127(a)(3)(B) of this Act shall be avail-
9 able for obligation in the same manner as if such funds
10 were apportioned under chapter 1 of title 23, United
11 States Code.

12 (f) STATE DEFINED.—In this section the term
13 “State” has the meaning such term has under section 101
14 of title 23, United States Code.

15 **SEC. 116. COORDINATED BORDER INFRASTRUCTURE AND**
16 **SAFETY PROGRAM.**

17 (a) GENERAL AUTHORITY.—The Secretary shall es-
18 tablish and implement a coordinated border infrastructure
19 and safety program under which the Secretary may make
20 allocations to any border State for projects to improve the
21 safe movement of people and goods at or across the border
22 between the United States and Canada and the border be-
23 tween the United States and Mexico.

24 (b) ELIGIBLE USES.—Allocations under this section
25 may only be used in a border region for—

1 (1) improvements to existing transportation and
2 supporting infrastructure that facilitate cross-border
3 vehicle and cargo movements;

4 (2) construction of highways and related safety
5 and safety enforcement facilities that will facilitate
6 vehicle and cargo movements related to international
7 trade;

8 (3) operational improvements, including im-
9 provements relating to electronic data interchange
10 and use of telecommunications, to expedite cross
11 border vehicle and cargo movement;

12 (4) modifications to regulatory procedures to
13 expedite cross border vehicle and cargo movements;
14 and

15 (5) international coordination of planning, pro-
16 gramming, and border operation with Canada and
17 Mexico relating to expediting cross border vehicle
18 and cargo movements.

19 (c) SELECTION CRITERIA.—The Secretary shall
20 make allocations under this section on the basis of—

21 (1) expected reduction in commercial and other
22 motor vehicle travel time through an international
23 border crossing as a result of the project;

1 (2) improvements in vehicle and highway safety
2 and cargo security related to motor vehicles crossing
3 a border with Canada or Mexico;

4 (3) strategies to increase the use of existing,
5 underutilized border crossing facilities and ap-
6 proaches;

7 (4) leveraging of Federal funds provided under
8 this section, including use of innovative financing,
9 combination of such funds with funding provided
10 under other sections of this Act, and combination
11 with other sources of Federal, State, local, or private
12 funding;

13 (5) degree of multinational involvement in the
14 project and demonstrated coordination with other
15 Federal agencies responsible for the inspection of ve-
16 hicles, cargo, and persons crossing international bor-
17 ders and their counterpart agencies in Canada and
18 Mexico;

19 (6) the extent to which the innovative and prob-
20 lem-solving techniques of the proposed project would
21 be applicable to other international border crossings;

22 (7) demonstrated local commitment to imple-
23 ment and sustain continuing comprehensive border
24 planning processes and improvement programs; and

1 (8) such other factors as the Secretary deter-
2 mines are appropriate to promote border transpor-
3 tation efficiency and safety.

4 (d) STATE MOTOR VEHICLE SAFETY INSPECTION
5 FACILITIES.—Due to the increase in cross-border trade as
6 a result of the Northern American Free Trade Agreement,
7 of the amounts made available to carry out this section
8 for a fiscal year, not to exceed \$25,000,000 for fiscal year
9 1998 and not to exceed \$20,000,000 for each of fiscal
10 years 1999 and 2000 shall be available for the construc-
11 tion of State motor vehicle safety inspection facilities for
12 the inspection by State authorities of commercial motor
13 vehicles crossing the border to ensure the safety of such
14 vehicles.

15 (e) LOCATION OF PROJECTS.—At least 2 of the
16 projects receiving allocations under this section shall be
17 projects in the vicinity the border of the United States
18 and Mexico and at least 2 of such projects shall be projects
19 in the vicinity of the border of the United States and Can-
20 ada.

21 (f) APPLICABILITY OF TITLE 23.—Funds authorized
22 by section 127(a)(3)(A) of this Act shall be available for
23 obligation in the same manner as if such funds were ap-
24 portioned under chapter 1 of title 23, United States Code.

1 (g) DEFINITIONS.—In this section, the following defi-
 2 nitions apply:

3 (1) BORDER REGION.—The term “border re-
 4 gion” means the portion of a border State in the vi-
 5 cinity of an international border with Canada or
 6 Mexico.

7 (2) BORDER STATE.—The term “border State”
 8 means any State that has a boundary in common
 9 with Canada or Mexico.

10 **SEC. 117. FEDERAL LANDS HIGHWAYS PROGRAM.**

11 (a) FEDERAL SHARE PAYABLE.—Section 120 is
 12 amended—

13 (1) in subsection (e)—

14 (A) by striking “(c)” and inserting “(b)”;
 15 and

16 (B) by striking “90” and inserting “120”;
 17 and

18 (2) by adding at the end the following:

19 “(j) FUNDS APPROPRIATED TO A FEDERAL LAND
 20 MANAGING AGENCY.—Notwithstanding any other provi-
 21 sion of law, the funds appropriated to any Federal land
 22 managing agency may be used as the non-Federal share
 23 payable on account of any Federal-aid highway project the
 24 Federal share of which is payable with funds apportioned

1 under section 104 or 144 or allocated under the Federal
2 scenic byways program.

3 “(k) FUNDS APPROPRIATED FOR FEDERAL LANDS
4 HIGHWAYS PROGRAM.—Notwithstanding any other provi-
5 sion of law, funds appropriated for carrying out the Fed-
6 eral lands highways program under section 204 may be
7 used as the non-Federal share payable on account of any
8 project that is carried out with funds apportioned under
9 section 104 or 144 or allocated under the Federal scenic
10 byways program if the project will provide access to, or
11 be carried out within, Federal or Indian lands.”.

12 (b) ALLOCATIONS.—Section 202 is amended—

13 (1) by striking subsection (b) and inserting the
14 following:

15 “(b) ALLOCATION OF SUMS AUTHORIZED FOR PUB-
16 LIC LANDS HIGHWAYS.—

17 “(1) IN GENERAL.—On October 1 of each fiscal
18 year and after making the transfer provided for in
19 section 204(i), the Secretary shall allocate the sums
20 authorized to be appropriated for such fiscal year for
21 public lands highways for transportation projects
22 within the boundaries of those States having unap-
23 propriated or unreserved public lands, nontaxable
24 Indian lands, or other Federal reservations, on the
25 basis of need in such States, respectively, as deter-

1 mined by the Secretary from applications for such
2 funds by Federal land managing agencies, Indian
3 tribal governments, and States.

4 “(2) PREFERENCE.—In allocating sums under
5 paragraph (1), the Secretary shall give preference to
6 those projects that are significantly impacted by
7 Federal land, recreation, or resource management
8 activities that are proposed within the boundaries of
9 a State in which at least 3 percent of the total pub-
10 lic lands in the United States are located.”; and

11 (2) by adding at the end the following:

12 “(e) FOREST HIGHWAYS.—

13 “(1) NATIONAL FORESTS WITH ACQUIRED FED-
14 ERAL LANDS.—On October 1 of each fiscal year and
15 after making the transfer provided for in section
16 204(g), the Secretary shall allocate 50 percent of the
17 sums authorized to be appropriated for such fiscal
18 year for forest highways as follows:

19 “(A) $\frac{1}{3}$ based on the percentage of the na-
20 tional total forest highway mileage;

21 “(B) $\frac{1}{3}$ based on the percentage of forest-
22 related vehicle miles traveled on national forest
23 highways; and

24 “(C) $\frac{1}{3}$ based on the percentage of na-
25 tional forests with acquired Federal lands.

1 “(2) NATIONAL FORESTS WITH PUBLIC DOMAIN
 2 LANDS.—On October 1 of each fiscal year and after
 3 making the transfer provided for in section 204(g),
 4 the Secretary shall allocate the remaining 50 percent
 5 of the sums authorized to be appropriated for such
 6 fiscal year for forest highways as follows:

7 “(A) $\frac{1}{3}$ based on the percentage of the na-
 8 tional total forest highway mileage;

9 “(B) $\frac{1}{3}$ based on the percentage of forest-
 10 related vehicle miles traveled on national forest
 11 highways; and

12 “(C) $\frac{1}{3}$ based on the percentage of na-
 13 tional forests with public domain Federal lands.

14 “(3) PROJECT SELECTION.—With respect to al-
 15 locations under this subsection, the Secretary shall
 16 give priority to projects that provide access to and
 17 within the National Forest System, as identified by
 18 the Secretary of Agriculture through renewable re-
 19 sources and land use planning and the impact of
 20 such planning on existing transportation facilities.”.

21 (c) AVAILABILITY OF FUNDS.—Section 203 is
 22 amended—

23 (1) by striking “Funds authorized for,” and in-
 24 serting “(a) IN GENERAL.—Funds authorized for
 25 forest highways,”;

1 (2) in the fourth sentence by inserting “forest
2 highways” after “any fiscal year for”; and

3 (3) by adding at the end the following:

4 “(b) TIME OF OBLIGATION.—Notwithstanding any
5 other provision of law, the Secretary’s authorization of en-
6 gineering and related work for a Federal lands highways
7 program project or the Secretary’s approval of plans, spec-
8 ifications, and estimates for construction of a Federal
9 lands highways program project shall be deemed to con-
10 stitute a contractual obligation of the Federal Government
11 for the payment of its contribution to such project.”.

12 (d) AWARD OF CONTRACTS; TRANSFERS—Section
13 204 is amended—

14 (1) in subsection (a) to read as follows:

15 “(a) Recognizing the need for all Federal roads that
16 are public roads to be treated under uniform policies simi-
17 lar to those that apply to Federal-aid highways, there is
18 established a coordinated Federal Lands Highways Pro-
19 gram which shall consist of forest highways, public lands
20 highways, park roads and parkways, and Indian reserva-
21 tion roads and bridges. The Secretary, in cooperation with
22 the Secretary of the appropriate Federal land managing
23 agency, shall develop transportation planning procedures
24 which are consistent with the metropolitan and Statewide
25 planning processes in sections 134 and 135 of this title.

1 The transportation improvement program developed as a
2 part of the transportation planning process under this sec-
3 tion shall be approved by the Secretary. All regionally sig-
4 nificant Federal Lands Highway Program projects shall
5 be developed in cooperation with States and metropolitan
6 planning organizations and be included in appropriate
7 Federal Lands Highways Program, State, and metropoli-
8 tan plans and transportation improvement programs. The
9 approved Federal Lands Highways Program transpor-
10 tation improvement program shall be included in appro-
11 priate State and metropolitan planning organization plans
12 and programs without further action thereon. The Sec-
13 retary and the Secretary of the appropriate Federal land
14 managing agency shall develop appropriate safety, bridge,
15 and pavement management systems for roads funded
16 under the Federal Lands Highways Program.”;

17 (2) by striking the first three sentences of sub-
18 section (b) and inserting “Funds available for forest
19 highways, public lands highways, park roads and
20 parkways, and Indian reservation roads shall be
21 used by the Secretary and the Secretary of the ap-
22 propriate Federal land managing agency to pay for
23 the cost of transportation planning, research, engi-
24 neering, and construction thereof. The Secretary and
25 the Secretary of the appropriate Federal land man-

1 aging agency, as appropriate, may enter into con-
 2 struction contracts and such other contracts with a
 3 State or civil subdivision thereof or Indian tribe to
 4 carry out this subsection.”;

5 (3) in the first sentence of subsection (e) by
 6 striking “Secretary of the Interior” and inserting
 7 “Secretary of the appropriate Federal land manag-
 8 ing agency”; and

9 (4) in subsection (i) to read as follows:

10 “(i) TRANSFERS TO SECRETARIES OF FEDERAL
 11 LAND MANAGING AGENCIES.—The Secretary shall trans-
 12 fer to the appropriate Federal land managing agency from
 13 the appropriation for public lands highways such amounts
 14 as may be needed to cover—

15 “(1) necessary administrative costs of such
 16 agency in connection with public lands highways;
 17 and

18 “(2) the cost to such agency of conducting nec-
 19 essary transportation planning serving Federal lands
 20 if funding for such planning is otherwise not pro-
 21 vided in this section.”.

22 (e) ACCESS TO JOHN F. KENNEDY CENTER FOR THE
 23 PERFORMING ARTS.—

24 (1) STUDY.—The Secretary, in cooperation with
 25 the District of Columbia, the John F. Kennedy Cen-

1 ter for the Performing Arts, and the Department of
2 the Interior and in consultation with other interested
3 persons, shall conduct a study of methods to im-
4 prove pedestrian and vehicular access to the John F.
5 Kennedy Center for the Performing Arts.

6 (2) REPORT.—Not later than September 30,
7 1999, the Secretary shall transmit to the Committee
8 on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Environ-
10 ment and Public Works of the Senate a report con-
11 taining the results of the study, together with an as-
12 sessment of the impacts (including environmental,
13 aesthetic, economic, and historic impacts) associated
14 with the implementation of each of the methods ex-
15 amined under the study.

16 (3) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated out of the
18 Highway Trust Fund (other than the Mass Transit
19 Account) \$500,000 for fiscal year 1998 to carry out
20 this subsection.

21 (4) APPLICABILITY OF TITLE 23, UNITED
22 STATES CODE.—Funds authorized by this subsection
23 shall be available for obligation in the same manner
24 as if such funds were apportioned under chapter 1
25 of title 23, United States Code, except that the Fed-

1 eral share of the cost of activities conducted using
2 such funds shall be 100 percent and such funds
3 shall remain available until expended.

4 (f) SMITHSONIAN INSTITUTION TRANSPORTATION
5 PROGRAM.—

6 (1) IN GENERAL.—The Secretary shall allocate
7 amounts made available by this subsection for obli-
8 gation at the discretion of the Secretary of the
9 Smithsonian Institution, in consultation with the
10 Secretary, to carry out projects and activities de-
11 scribed in paragraph (2).

12 (2) ELIGIBLE USES.—Amounts allocated under
13 paragraph (1) may be obligated only—

14 (A) for transportation-related exhibitions,
15 exhibits, and educational outreach programs;

16 (B) to enhance the care and protection of
17 the Nation's collection of transportation-related
18 artifacts;

19 (C) to acquire historically significant trans-
20 portation-related artifacts; and

21 (D) to support research programs within
22 the Smithsonian Institution that document the
23 history and evolution of transportation, in co-
24 operation with other museums in the United
25 States.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated out of the
3 Highway Trust Fund (other than the Mass Transit
4 Account) \$5,000,000 for each of fiscal years 1998,
5 1999, and 2000 to carry out this subsection.

6 (4) APPLICABILITY OF TITLE 23.—Funds au-
7 thorized by this subsection shall be available for obli-
8 gation in the same manner as if such funds were ap-
9 portioned under chapter 1 of title 23, United States
10 Code; except that the Federal share of the cost of
11 any project or activity under this subsection shall be
12 100 percent and such funds shall remain available
13 until expended.

14 (g) NEW RIVER PARKWAY.—Of amounts available
15 under section 102(a)(11)(C) of this Act, the Secretary
16 shall allocate \$1,300,000 for fiscal year 1998, \$1,200,000
17 for fiscal year 1999, and \$9,900,000 for fiscal year 2000
18 to the Secretary of the Interior for the planning, design,
19 and construction of a visitors center, and such other relat-
20 ed facilities as may be necessary, to facilitate visitor un-
21 derstanding and enjoyment of the scenic, historic, cultural,
22 and recreational resources accessible by the New River
23 Parkway in the State of West Virginia. The center and
24 related facilities shall be located at a site for which title
25 is held by the United States in the vicinity of the intersec-

tion of the New River Parkway and I-64. Such funds shall remain available until expended.

SEC. 118. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

“§ 162. National scenic byways program

“(a) DESIGNATION OF ROADS.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating them as ‘National Scenic Byways’ or ‘All-American Roads’. The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary. To be considered for such designation, a road must be nominated by a State or Federal land management agency and must first be designated as a State scenic byway or, for roads on Federal lands, as a Federal land management agency byway.

“(b) ALLOCATIONS AND TECHNICAL ASSISTANCE.—

“(1) GENERAL AUTHORITY.—The Secretary shall make allocations and provide technical assistance to States to—

“(A) implement projects on highways designated as National Scenic Byways or All-

1 American Roads, or as State scenic byways;
2 and

3 “(B) plan, design, and develop a State sce-
4 nic byways program.

5 “(2) PRIORITY PROJECTS.—In making alloca-
6 tions under this subsection, the Secretary shall give
7 priority to—

8 “(A) eligible projects along highways that
9 are designated as National Scenic Byways or
10 All-American Roads;

11 “(B) eligible projects on State-designated
12 scenic byways that are undertaken to make
13 them eligible for designation as National Scenic
14 Byways or All-American Roads; and

15 “(C) eligible projects that will assist the
16 development of State scenic byways programs.

17 “(c) ELIGIBLE PROJECTS.—The following are
18 projects that are eligible for Federal assistance under this
19 section:

20 “(1) activities related to planning, design, or
21 development of State scenic byway programs;

22 “(2) development of corridor management plans
23 for scenic byways;

24 “(3) safety improvements to a scenic byway to
25 the extent such improvements are necessary to ac-

1 commodate increased traffic and changes in the
2 types of vehicles using the highway due to such des-
3 ignation;

4 “(4) construction along a scenic byway of facili-
5 ties for pedestrians and bicyclists, rest areas, turn-
6 outs, highway shoulder improvements, passing lanes,
7 overlooks, and interpretive facilities;

8 “(5) improvements to a scenic byway that will
9 enhance access to an area for the purpose of recre-
10 ation, including water-related recreation;

11 “(6) protection of historical, archaeological, and
12 cultural resources in areas adjacent to scenic by-
13 ways;

14 “(7) development and provision of tourist infor-
15 mation to the public, including interpretive informa-
16 tion about scenic byways; and

17 “(8) development and implementation of scenic
18 byways marketing programs.

19 “(d) FEDERAL SHARE.—The Federal share payable
20 on account of any project carried out under this section
21 shall be determined in accordance with section 120(b) of
22 this title. For any scenic byways project along a public
23 road that provides access to or within Federal or Indian
24 lands, a Federal land management agency may use funds

1 authorized for its use as the non-Federal share of the costs
2 of the project.

3 “(e) PROTECTION OF SCENIC INTEGRITY.—

4 “(1) SCENIC INTEGRITY.—The Secretary shall
5 not make an allocation under this section for any
6 project that would not protect the scenic, historic,
7 recreational, cultural, natural, and archaeological in-
8 tegrity of a highway and adjacent areas.

9 “(2) SAVINGS CLAUSE.—The Secretary shall
10 not make any grant, provide technical assistance, or
11 impose any requirement on a State under this sec-
12 tion that is inconsistent with the authority of the
13 State provided in this chapter.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 chapter 1 is amended by adding at the end the following
16 new item:

“162. National scenic byways program.”.

17 (c) CENTER.—

18 (1) ESTABLISHMENT.—The Secretary shall al-
19 locate funds made available to carry out this sub-
20 section to establish a center for national scenic by-
21 ways in Duluth, Minnesota, to provide technical
22 communications and network support for nationally
23 designated scenic byway routes in accordance with
24 paragraph (2).

1 (2) COMMUNICATIONS SYSTEMS.—The center
2 for national scenic byways shall develop and imple-
3 ment communications systems for the support of the
4 national scenic byways program. Such communica-
5 tions system shall permit users of scenic byways to
6 access technology which will permit such users to lo-
7 cate scenic byways and identify items of cultural or
8 historic interest and services located along scenic by-
9 ways.

10 (3) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated out of the
12 Highway Trust Fund (other than the Mass Transit
13 Account) to carry out this subsection \$1,500,000 for
14 each of fiscal years 1998, 1999, and 2000.

15 (4) APPLICABILITY OF TITLE 23.—Funds au-
16 thorized by this subsection shall be available for obli-
17 gation in the same manner as if such funds were ap-
18 portioned under chapter 1 of title 23, United States
19 Code; except that the Federal share of the cost of
20 any project under this subsection shall be 80 percent
21 and such funds shall remain available until ex-
22 pended.

23 **SEC. 119. VARIABLE PRICING PILOT PROGRAM.**

24 (a) ESTABLISHMENT.—The Secretary shall establish
25 and implement a variable pricing program. In implement-

1 ing such program, the Secretary shall solicit the participa-
2 tion of State and local governments and public authorities
3 for 1 or more variable pricing pilot programs. The Sec-
4 retary may enter into cooperative agreements with as
5 many as 15 of such governments and public authorities
6 to conduct and monitor the pilot programs.

7 (b) FEDERAL SHARE PAYABLE.—The Federal share
8 payable for a pilot program under this section shall be 80
9 percent of the aggregate cost of the program and the Fed-
10 eral share payable for any portion of a project conducted
11 under the program may not exceed 100 percent.

12 (c) IMPLEMENTATION COSTS.—The Secretary may
13 fund all pre-implementation costs, including public edu-
14 cation and project design, and all of the development and
15 startup costs of a pilot project under this section, includ-
16 ing salaries and expenses, until such time that sufficient
17 revenues are being generated by the program to fund its
18 operating costs without Federal participation; except that
19 the Secretary may not fund the pre-implementation, devel-
20 opment, and startup costs of a pilot project for more than
21 3 years.

22 (d) USE OF REVENUES.—Revenues generated by any
23 pilot project under this section must be applied to projects
24 eligible for assistance under title 23, United States Code.

1 (e) COLLECTION OF TOLLS.—Notwithstanding sec-
2 tions 129 and 301 of title 23, United States Code, the
3 Secretary shall allow the use of tolls on the Interstate Sys-
4 tem as part of a pilot program under this section, but not
5 as part of more than 3 of such programs.

6 (f) FINANCIAL EFFECTS ON LOW INCOME DRIV-
7 ERS.—Any pilot program conducted under this section
8 shall include an analysis of the potential effects of the pilot
9 program on low income drivers and may include mitigation
10 measures to deal with any potential adverse financial ef-
11 fects on low income drivers.

12 (g) REPORTS TO CONGRESS.—The Secretary shall
13 monitor the effect of the pilot programs conducted for a
14 period of at least 10 years and shall report to the Commit-
15 tee on Environment and Public Works of the Senate and
16 the Committee on Transportation and Infrastructure of
17 the House of Representatives biennially on the effects such
18 programs are having on driver behavior, traffic volume,
19 transit ridership, air quality, drivers of all income levels,
20 and availability of funds for transportation programs.

21 (h) HOV PASSENGER REQUIREMENTS.—Notwith-
22 standing section 102 of title 23, United States Code, a
23 State may permit vehicles with fewer than 2 occupants
24 to operate in high-occupancy vehicle lanes if such vehicles

1 are part of a pilot program being conducted under this
2 section.

3 (i) PERIOD OF AVAILABILITY.—Funds allocated by
4 the Secretary under this section shall remain available for
5 obligation by the State for a period of 3 years after the
6 last day of the fiscal year for which such funds are author-
7 ized. Any amounts allocated under this section that re-
8 main unobligated at the end of such period and any
9 amounts authorized under subsection (i) that remain
10 unallocated by the end of such period shall be transferred
11 to a State’s apportionment under section 104(b)(3) of title
12 23, United States Code, and shall be treated in the same
13 manner as other funds apportioned under such section.

14 (j) APPLICABILITY OF TITLE 23.—Funds made avail-
15 able to carry out this section shall be available for obliga-
16 tion in the same manner as if such funds were apportioned
17 under chapter 1 of title 23, United States Code; except
18 that the Federal share of the cost of any project under
19 this section and the availability of such funds shall be de-
20 termined in accordance with this section.

21 (k) REPEAL.—Section 1012(b) of the Intermodal
22 Surface Transportation Efficiency Act of 1991 (23 U.S.C.
23 149 note; 105 Stat. 1938) is repealed.

1 **SEC. 120. TOLL ROADS, BRIDGES, AND TUNNELS.**

2 (a) FEDERAL SHARE PAYABLE.—Section 120 is
3 amended by adding at the end the following:

4 “(1) CREDIT FOR NON-FEDERAL SHARE.—

5 “(1) ELIGIBILITY.—A State may use as a cred-
6 it toward the non-Federal matching share require-
7 ment for any funds made available to carry out this
8 title, other than the emergency relief program au-
9 thorized in section 125, toll revenues that are gen-
10 erated and used by public, quasi-public, and private
11 agencies to build, improve, or maintain highways,
12 bridges, or tunnels that serve the public purpose of
13 interstate commerce. Such public, quasi-public, or
14 private agencies shall have built, improved, or main-
15 tained such facilities without Federal funds.

16 “(2) MAINTENANCE OF EFFORT.—

17 “(A) IN GENERAL.—The credit for any
18 non-Federal share provided under this sub-
19 section shall not reduce nor replace State funds
20 required to match Federal funds for any pro-
21 gram under this title.

22 “(B) AGREEMENTS.—In receiving a credit
23 for non-Federal capital expenditures under this
24 subsection, a State shall enter into such agree-
25 ments as the Secretary may require to ensure
26 that the State will maintain its non-Federal

1 transportation capital expenditures at or above
2 the average level of such expenditures for the
3 preceding 3 fiscal years.

4 “(3) TREATMENT.—

5 “(A) LIMITATION ON LIABILITY.—Use of a
6 credit for a non-Federal share under this sub-
7 section that is received from a public, quasi-
8 public, or private agency—

9 “(i) shall not expose the agency to ad-
10 ditional liability, additional regulation, or
11 additional administrative oversight; and

12 “(ii) shall not subject the agency to
13 any additional Federal design standards,
14 laws, or regulations as a result of provid-
15 ing the non-Federal match other than
16 those to which the agency is already sub-
17 ject.

18 “(B) CHARTERED MULTISTATE AGEN-
19 CIES.—When a credit that is received from a
20 chartered multistate agency is applied for a
21 non-Federal share under this subsection, such
22 credit shall be applied equally to all charter
23 States.”.

24 (b) INTERSTATE SYSTEM RECONSTRUCTION AND RE-
25 HABILITATION PILOT PROGRAM.—

1 (1) ESTABLISHMENT.—The Secretary shall es-
2 tablish and implement an Interstate System recon-
3 struction and rehabilitation pilot program under
4 which the Secretary, notwithstanding sections 129
5 and 301 of title 23, United States Code, may permit
6 a State to collect tolls on a highway, bridge, or tun-
7 nel on the Interstate System for the purpose of re-
8 constructing and rehabilitating Interstate highway
9 corridors that could not otherwise be adequately
10 maintained or functionally improved without the col-
11 lection of tolls.

12 (2) LIMITATION ON NUMBER OF FACILITIES.—
13 The Secretary may permit the collection of tolls
14 under this subsection on 3 facilities on the Interstate
15 System. Each of such facilities shall be located in a
16 different State.

17 (3) ELIGIBILITY.—In order to be eligible to
18 participate in the pilot program, a State shall sub-
19 mit to the Secretary an application that contains, at
20 a minimum, the following:

21 (A) An identification of the facility on the
22 Interstate System proposed to be a toll facility,
23 including the age, condition, and intensity of
24 use of such facility.

1 (B) In the case of a facility that affects a
2 metropolitan area, an assurance that the metro-
3 politan planning organization established under
4 section 134 of title 23, United States Code, for
5 the area has been consulted concerning the
6 placement and amount of tolls on the facility.

7 (C) An analysis demonstrating that such
8 facility could not be maintained or improved to
9 meet current or future needs from the State's
10 apportionments and allocations made available
11 by this Act (including amendments made by
12 this Act) and from revenues for highways from
13 any other source without toll revenues.

14 (D) A facility management plan that in-
15 cludes—

16 (i) a plan for implementing the im-
17 position of tolls on the facility;

18 (ii) a schedule and finance plan for
19 the reconstruction or rehabilitation of the
20 facility using toll revenues;

21 (iii) a description of the public trans-
22 portation agency which will be responsible
23 for implementation and administration of
24 the pilot toll reconstruction and rehabilita-
25 tion program; and

1 (iv) a description of whether consider-
2 ation will be given to privatizing the main-
3 tenance and operational aspects of the con-
4 verted facility, while retaining legal and
5 administrative control of the Interstate
6 route section.

7 (E) Such other information as the Sec-
8 retary may require.

9 (4) SELECTION CRITERIA.—The Secretary may
10 approve the application of a State under paragraph
11 (3) only if the Secretary determines the following:

12 (A) The State is unable to reconstruct or
13 rehabilitate the proposed toll facility using ex-
14 isting apportionments.

15 (B) The facility has a sufficient intensity
16 of use, age, or condition to warrant the collec-
17 tion of tolls.

18 (C) The State plan for implementing tolls
19 on the facility takes into account the interests
20 of local, regional, and interstate travelers.

21 (D) The State plan for reconstruction or
22 rehabilitation of the facility using toll revenues
23 is reasonable.

24 (E) The State has given preference to the
25 use of an existing public toll agency with dem-

onstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(5) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(A) all toll revenues received from operation of the toll facility will be used only for debt service, for reasonable return on investment of any private person financing the project, and for any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

(6) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(5) of title 23, United States

1 Code, may not be used on a facility for which tolls
2 are being collected under the program.

3 (7) PROGRAM TERM.—The Secretary shall con-
4 duct the pilot program under this section for a term
5 to be determined by the Secretary but not less than
6 10 years.

7 (8) INTERSTATE SYSTEM DEFINED.—In this
8 subsection, the term “Interstate System” has the
9 same meaning such term has under section 101(a)
10 of title 23, United States Code.

11 (c) BRIDGE RECONSTRUCTION OR REPLACEMENT.—
12 Section 129(a)(1)(C) is amended by striking “toll-free
13 bridge or tunnel” and inserting “toll-free major bridge or
14 toll-free tunnel”.

15 **SEC. 121. CONSTRUCTION OF FERRY BOATS AND FERRY**
16 **TERMINAL FACILITIES.**

17 Section 1064(c) of the Intermodal Surface Transpor-
18 tation Efficiency Act of 1991 (23 U.S.C. 129 note; 105
19 Stat. 2005) is amended to read as follows:

20 “(c) OBLIGATION OF AMOUNTS.—Amounts made
21 available out of the Highway Trust Fund (other than the
22 Mass Transit Account) to carry out this section may be
23 obligated at the discretion of the Secretary. Such sums
24 shall remain available until expended.”.

1 **SEC. 122. HIGHWAY USE TAX EVASION PROJECTS.**

2 (a) APPLICABILITY OF TITLE 23.—Section 1040(f)
3 of the Intermodal Surface Transportation Efficiency Act
4 of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended
5 to read as follows:

6 “(f) APPLICABILITY OF TITLE 23.—Funds made
7 available out of the Highway Trust Fund (other than the
8 Mass Transit Account) to carry out this section shall be
9 available for obligation in the same manner and to the
10 same extent as if such funds were apportioned under chap-
11 ter 1 of title 23, United States Code; except that the Fed-
12 eral share of the cost of any project carried out under this
13 section shall be 100 percent and such funds shall remain
14 available for obligation for a period of 1 year after the
15 last day of the fiscal year for which the funds are author-
16 ized.”.

17 (b) AUTOMATED FUEL REPORTING SYSTEM.—Sec-
18 tion 1040 of such Act (23 U.S.C. 101 note; 105 Stat.
19 1992) is amended by redesignating subsection (g) as sub-
20 section (h) and by inserting after subsection (f) the follow-
21 ing:

22 “(g) AUTOMATED FUEL REPORTING SYSTEM.—Of
23 the amounts made available to carry out this section for
24 each of fiscal years 1998 through 2000, not to exceed
25 \$5,000,000 per fiscal year may be used to establish and
26 operate an automated fuel reporting system.”.

1 (c) TECHNICAL AMENDMENT.—Section 1040(a) of
2 such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended
3 by striking “by subsection (e)”.

4 **SEC. 123. PERFORMANCE BONUS PROGRAM.**

5 (a) STUDY.—The Secretary shall develop perform-
6 ance-based criteria for the distribution of not to exceed
7 5 percent of the funds from each of the following pro-
8 grams:

9 (1) The Interstate maintenance program under
10 section 119 of title 23, United States Code.

11 (2) The bridge program under section 144 of
12 such title.

13 (3) The high risk road safety improvement pro-
14 gram under section 154 of such title.

15 (4) The surface transportation program under
16 section 133 of such title.

17 (5) The congestion mitigation and air quality
18 improvement program under section 149 of such
19 title.

20 (b) REQUIREMENTS FOR DEVELOPMENT OF CRI-
21 TERIA.—Performance-based criteria developed by the Sec-
22 retary under subsection (a) shall assess on a statewide
23 basis the following:

24 (1) For the Interstate maintenance program,
25 whether pavement conditions on routes on the Inter-

1 state System in the State have consistently been of
2 a high quality or have recently improved.

3 (2) For the bridge program, whether the per-
4 centage of deficient bridges in the State has consist-
5 ently been low or has recently decreased.

6 (3) For the high risk road safety improvement
7 program, whether the level of safety on highways in
8 the State has consistently been high or has recently
9 improved.

10 (4) For the surface transportation program,
11 whether the level of financial effort in State funding
12 for highway and transit investments has been high
13 or has recently increased.

14 (5) For the congestion mitigation and air qual-
15 ity improvement program, whether the environ-
16 mental performance of the transportation system
17 has been consistently high or has improved.

18 (c) REQUIRED SUBMISSION.—Not later than 18
19 months after the date of the enactment of this Act, the
20 Secretary shall transmit to the Committee on Transpor-
21 tation and Infrastructure of the House of Representatives
22 and the Committee on Environment and Public Works of
23 the Senate the performance-based criteria developed under
24 subsection (a).

1 **SEC. 124. METROPOLITAN PLANNING.**

2 (a) GENERAL REQUIREMENTS.—Section 134(a) is
3 amended by inserting after “and goods” the following:
4 “and foster economic growth and development”.

5 (b) GOALS AND OBJECTIVES OF PLANNING PROC-
6 ESS.—Section 134(f) is amended to read as follows:

7 “(f) GOALS AND OBJECTIVES OF PLANNING PROC-
8 ESS.—To the extent that the metropolitan planning orga-
9 nization determines appropriate, the metropolitan trans-
10 portation planning process may include consideration of
11 goals and objectives that—

12 “(1) support the economic vitality of the metro-
13 politan area, especially by enabling global competi-
14 tiveness, productivity, and efficiency;

15 “(2) increase the safety and security of the
16 transportation system;

17 “(3) increase the accessibility and mobility for
18 people and freight;

19 “(4) protect and enhance the environment, con-
20 serve energy, and enhance quality of life;

21 “(5) enhance the integration and connectivity of
22 the transportation system, across and between
23 modes, for people and freight;

24 “(6) promote efficient system utilization and
25 operation; and

1 “(7) preserve the existing transportation sys-
2 tem.”.

3 (c) LONG RANGE PLAN.—Section 134(g) is amend-
4 ed—

5 (1) in paragraph (1) by inserting “transporta-
6 tion” after “long range”;

7 (2) in paragraph (2) by striking “, at a mini-
8 mum” and inserting “contain, at a minimum, the
9 following”;

10 (3) in paragraph (2)(A)—

11 (A) by striking “Identify” and inserting
12 “An identification of”;

13 (B) by striking “factors described in”;

14 (C) by striking “such factors” and insert-
15 ing “subsection (f)”; and

16 (D) by striking “shall consider” and in-
17 serting “may consider”;

18 (4) by striking paragraph (2)(B) and inserting
19 the following:

20 “(B) A financial plan that demonstrates
21 how the adopted transportation plan can be im-
22 plemented, indicates resources from public and
23 private sources that are reasonably expected to
24 be made available to carry out the plan and rec-
25 ommends any additional financing strategies for

1 needed projects and programs. The financial
2 plan may include, for illustrative purposes, ad-
3 ditional projects that would be included in the
4 adopted transportation plan if reasonable addi-
5 tional resources beyond those identified in the
6 financial plan were available. For the purpose
7 of developing the transportation plan, the met-
8 ropolitan planning organization and State shall
9 cooperatively develop estimates of funds that
10 will be available to support plan implementa-
11 tion.”;

12 (5) in paragraph (4) by inserting after “em-
13 ployees,” the following: “freight shippers and provid-
14 ers of freight transportation services,”; and

15 (6) in paragraph (5) by inserting “transporta-
16 tion” before “plan prepared”.

17 (d) TRANSPORTATION IMPROVEMENT PROGRAM.—
18 Section 134(h) is amended—

19 (1) in paragraph (1), by striking “2 years” and
20 inserting “3 years”; and

21 (2) by adding at the end of paragraph (2)(B)
22 the following: “The financial plan may include, for
23 illustrative purposes, additional projects that would
24 be included in the adopted transportation plan if

1 reasonable additional resources beyond those identi-
 2 fied in the financial plan were available.”.

3 (e) **TRANSPORTATION MANAGEMENT AREAS.**—Sec-
 4 tion 134(i) is amended—

5 (1) in paragraph (4) by inserting after “Sys-
 6 tem” each place it appears the following: “, under
 7 the high risk road safety program,”; and

8 (2) in paragraph (5)—

9 (A) by striking “(1)” and inserting “(A)”;

10 and

11 (B) by striking “(2)” and inserting “(B)”.

12 (f) **ADDITIONAL REQUIREMENTS.**—Section 134 is
 13 amended by striking subsection (l) and redesignating sub-
 14 sections (m) and (n) as subsections (l) and (m), respec-
 15 tively.

16 **SEC. 125. STATEWIDE PLANNING.**

17 (a) **SCOPE OF PLANNING PROCESS.**—Section 135(c)
 18 is amended to read as follows:

19 “(c) **SCOPE OF THE PLANNING PROCESS.**—To the
 20 extent that a State determines appropriate, the State may
 21 consider goals and objectives in the transportation plan-
 22 ning process that—

23 “(1) support the economic vitality of the Na-
 24 tion, its States and metropolitan areas, especially by

1 enabling global competitiveness, productivity and ef-
2 ficiency;

3 “(2) increase the safety and security of the
4 transportation system;

5 “(3) increase the accessibility and mobility for
6 people and freight;

7 “(4) protect and enhance the environment, con-
8 serve energy, and enhance the quality of life;

9 “(5) enhance the integration and connectivity of
10 the transportation system, across and between
11 modes throughout the State for people and freight;

12 “(6) promote efficient system utilization and
13 operation; and

14 “(7) preserve the existing transportation sys-
15 tem.”.

16 (b) ADDITIONAL CONSIDERATIONS.—Section 135(d)
17 is amended—

18 (1) in the subsection heading by striking “RE-
19 QUIREMENTS” and inserting “CONSIDERATIONS”;
20 and

21 (2) by striking “shall, at a minimum,” and in-
22 serting “may”.

23 (c) LONG RANGE PLAN.—Section 135(e) is amend-
24 ed—

1 (1) by striking the hyphen each place it ap-
2 pears; and

3 (2) by inserting after “representatives,” the fol-
4 lowing: “freight shippers and providers of freight
5 transportation services,”.

6 (d) TRANSPORTATION IMPROVEMENT PROGRAM.—
7 Section 135(f) is amended—

8 (1) in paragraph (1) by inserting after “rep-
9 resentatives,” the following: “freight shippers and
10 providers of freight transportation services,”;

11 (2) in paragraph (2) by inserting before the last
12 sentence the following: “The program may include,
13 for illustrative purposes, additional projects that
14 would be included in the program if reasonable addi-
15 tional resources were available.”; and

16 (3) in paragraph (3) by inserting after “Sys-
17 tem” each place it appears the following: “, under
18 the high risk road safety program,”.

19 (e) PARTICIPATION OF LOCAL ELECTED OFFI-
20 CIALS.—

21 (1) STUDY.—The Secretary shall conduct a
22 study on the effectiveness of the participation of
23 local elected officials in transportation planning and
24 programming. In conducting the study, the Sec-
25 retary shall consider the degree of cooperation be-

1 tween State, local rural officials, and regional plan-
2 ning development organizations in different States.

3 (2) REPORT.—Not later than 2 years after the
4 date of the enactment of this Act, the Secretary
5 shall transmit to Congress a report containing the
6 results of the study with any recommendations the
7 Secretary determines appropriate as a result of the
8 study.

9 **SEC. 126. ROADSIDE SAFETY TECHNOLOGIES.**

10 (a) CRASH CUSHIONS.—

11 (1) GUIDANCE.—Not later than 1 year after
12 the date of the enactment of this Act, the Secretary
13 shall initiate and issue a guidance regarding the
14 benefits and performance of various types of crash
15 cushions in different road configurations, taking into
16 consideration roadway conditions, posted speed lim-
17 its, the location of the crash cushion in the right-of-
18 way, and any other relevant factors.

19 (2) USE OF GUIDANCE.—States shall use guid-
20 ance issued under this subsection in evaluating the
21 feasibility and cost-effectiveness of utilizing different
22 crash cushion designs and determining the appro-
23 priate crash cushion or other safety appurtenances
24 for installation at specific highway locations.

1 (b) TRAFFIC FLOW AND SAFETY APPLICATIONS OF
2 ROAD BARRIERS.—

3 (1) RULEMAKING PROCEEDINGS.—Not later
4 than 1 year after the date of the enactment of this
5 Act, the Secretary shall initiate and complete a rule-
6 making proceeding to determine the appropriate use
7 by States of movable barrier technologies to enhance
8 safety and improve the capacity and geometric de-
9 sign of highways.

10 (2) FACTORS TO CONSIDER.—In conducting the
11 rulemaking proceeding, the Secretary shall consider,
12 at a minimum, uses of movable barrier technologies
13 related to—

14 (1) separating workers from traffic flow when
15 work is in progress;

16 (2) providing additional safe work space by uti-
17 lizing adjacent and available traffic lanes during off-
18 peak hours;

19 (3) use of reversible lanes to mitigate conges-
20 tion caused by construction and to optimize capacity
21 of congested highways by adjusting to directional
22 traffic flow;

23 (4) mitigation of congestion during construction
24 by opening all adjacent and available lanes to traffic
25 during peak hour traffic periods;

1 (5) permanent use of such technologies to in-
2 crease the capacity of congested highways, bridges,
3 and tunnels.

4 **SEC. 127. DISCRETIONARY PROGRAM AUTHORIZATIONS.**

5 (a) EXECUTIVE BRANCH DISCRETIONARY PRO-
6 GRAMS.—

7 (1) BRIDGE DISCRETIONARY PROGRAM.—The
8 amount set aside by the Secretary under section
9 144(g)(2) of title 23, United States Code, shall be
10 \$100,000,000 for each of fiscal years 1998, 1999,
11 and 2000.

12 (2) HIGH COST INTERSTATE SYSTEM RECON-
13 STRUCTION AND IMPROVEMENT PROGRAM.—The
14 amount the Secretary shall allocate for the high cost
15 Interstate System reconstruction and improvement
16 program under section 160(c)(2) of title 23, United
17 States Code, shall not be more than \$85,000,000 for
18 fiscal year 1998, \$212,500,000 for fiscal year 1999,
19 and \$340,000,000 for fiscal year 2000.

20 (3) ADDITIONAL EXECUTIVE BRANCH DISCRE-
21 TIONARY PROGRAMS.—Of amounts made available
22 by section 102(a)(8) of this Act, the following sums
23 shall be available:

24 (A) COORDINATED BORDER INFRASTRUC-
25 TURE AND SAFETY PROGRAM.—For the coordi-

1 nated border infrastructure and safety program
2 under section 116 of this Act \$70,000,000 for
3 fiscal year 1998, \$100,000,000 for fiscal year
4 1999, and \$100,000,000 for fiscal year 2000.

5 (B) NATIONAL CORRIDOR PLANNING AND
6 DEVELOPMENT PROGRAM.—For the national
7 corridor planning and development program
8 under section 115 of this Act \$50,000,000 for
9 fiscal year 1998, \$200,000,000 for fiscal year
10 1999, and \$250,000,000 for fiscal year 2000.

11 (C) CONSTRUCTION OF FERRY BOATS AND
12 FERRY TERMINAL FACILITIES.—For construc-
13 tion of ferry boats and ferry terminal facilities
14 under section 1064 of the Intermodal Surface
15 Transportation Efficiency Act of 1991 (23
16 U.S.C. 129 note; 105 Stat. 2005) \$18,000,000
17 for each of fiscal years 1998, 1999, and 2000.

18 (D) NATIONAL SCENIC BYWAYS PRO-
19 GRAM.—For the national scenic byway program
20 under section 162 of title 23, United States
21 Code, \$30,000,000 for each of fiscal years
22 1998, 1999, and 2000.

23 (E) VARIABLE PRICING PILOT PROGRAM.—
24 For the variable pricing pilot program under
25 section 119 of this Act \$10,000,000 for fiscal

1 year 1998, and \$14,000,000 for each of fiscal
2 years 1999 and 2000.

3 (F) HIGHWAY RESEARCH.—For highway
4 research under sections 307, 308, and 325 of
5 title 23, United States Code, \$150,000,000 for
6 fiscal year 1998, \$185,000,000 for fiscal year
7 1999, and \$195,000,000 for fiscal year 2000.

8 (G) TRANSPORTATION EDUCATION, PRO-
9 FESSIOAL TRAINING, AND TECHNOLOGY DE-
10 PLOYMENT.—For transportation education, pro-
11 fessional training, and technology deployment
12 under sections 321, 322, and 326 of title 23,
13 United States Code, and section 5505 of title
14 49, United States Code, \$50,000,000 for each
15 of fiscal years 1998 and 1999 and \$55,000,000
16 for fiscal year 2000.

17 (H) TRANSPORTATION TECHNOLOGY INNO-
18 VATION AND DEMONSTRATION PROGRAM.—For
19 Transportation technology innovation and dem-
20 onstration program under section 632 of this
21 Act \$40,900,000 for each of fiscal years 1998,
22 1999, and 2000.

23 (I) INTELLIGENCE TRANSPORTATION SYS-
24 TEMS PROGRAMS.—For intelligence transpor-
25 tation systems programs under subtitle B of

1 title VI of this Act \$175,000,000 for each of
2 fiscal years 1998, 1999, and 2000.

3 (3) TRANSPORTATION ASSISTANCE FOR OLYM-
4 PIC CITIES.—There is authorized to be appropriated
5 to carry out section 130 of this Act, relating to
6 transportation assistance for Olympic cities, such
7 sums as may be necessary for fiscal years 1998,
8 1999, and 2000.

9 (b) LEGISLATIVE BRANCH DISCRETIONARY PRO-
10 GRAMS.—Of amounts made available by section 102(a)(8)
11 of this Act, \$1,250,000,000 for fiscal year 1998,
12 \$1,425,000,000 for fiscal year 1999, and \$1,600,000,000
13 for fiscal year 2000 shall be available for high priority
14 projects.

15 **SEC. 128. WOODROW WILSON MEMORIAL BRIDGE.**

16 Section 407(a) of the National Highway System Des-
17 ignation Act of 1995 (109 Stat. 630–631) is amended—

18 (1) by redesignating paragraph (2) as para-
19 graph (3);

20 (2) by striking “(a)” and all that follows
21 through the period at the end of paragraph (1) and
22 inserting the following:

23 “(a) CONVEYANCES.—

24 “(1) CONVEYANCE TO STATES AND DISTRICT
25 OF COLUMBIA.—

1 “(A) GENERAL AUTHORITY.—Not later
2 than 60 days after the date of the enactment of
3 this subparagraph, the Secretary shall convey to
4 the State of Virginia, the State of Maryland,
5 and the District of Columbia all right, title, and
6 interest of the United States in and to the
7 Bridge, including such related riparian rights
8 and interests in land underneath the Potomac
9 River as are necessary to carry out the project.

10 “(B) ACCEPTANCE OF TITLE.—Except as
11 provided in paragraph (3), upon conveyance by
12 the Secretary, the State of Virginia, the State
13 of Maryland, and the District of Columbia shall
14 accept the right, title, and interest in and to the
15 Bridge.

16 “(C) CONSOLIDATION OF JURISDICTION.—
17 For the purpose of making the conveyance
18 under this paragraph, the Secretary of the Inte-
19 rior and the head of any other Federal depart-
20 ment or agency that has jurisdiction over the
21 land adjacent to the Bridge shall transfer such
22 jurisdiction to the Secretary.

23 “(D) FUNDS ALLOCATED.—No funds
24 made available for the high cost interstate sys-
25 tem reconstruction and improvement program

1 under section 160 of title 23, United States
 2 Code, may be allocated for the Bridge before
 3 the State of Virginia, the State of Maryland,
 4 and the District of Columbia accept right, title,
 5 and interest in and to the Bridge under this
 6 paragraph.

7 “(2) CONVEYANCE TO AUTHORITY.—After exe-
 8 cution of the agreement under subsection (c), the
 9 State of Virginia, State of Maryland, and the Dis-
 10 trict of Columbia shall convey to the Authority their
 11 respective rights, titles, and interests in and to the
 12 Bridge, including such related riparian rights and
 13 interests in land underneath the Potomac River as
 14 are necessary to carry out the Project. Except as
 15 provided in paragraph (3), upon conveyance by the
 16 Secretary, the Authority shall accept the right, title,
 17 and interest in and to the Bridge and all duties and
 18 responsibilities associated with the Bridge.”; and

19 (3) in paragraph (3), as redesignated by para-
 20 graph (1) of this section, by striking “conveyance
 21 under paragraph (1)” and inserting “conveyance
 22 under this subsection”.

23 **SEC. 129. TRAINING.**

24 (a) TRAINING POSITIONS FOR WELFARE RECIPI-
 25 ENTS.—Section 140(a) is amended by inserting after the

1 third sentence the following: “In implementing such pro-
 2 grams, a State may reserve training positions for persons
 3 who receive welfare assistance from such State.”.

4 (b) TYPES OF TRAINING.—Section 140(b) is amend-
 5 ed—

6 (1) in the first sentence—

7 (A) by inserting “and technology” after
 8 “construction”; and

9 (B) by inserting after “programs” the fol-
 10 lowing: “, and to develop and fund summer
 11 transportation institutes”; and

12 (2) in the last sentence by striking “may be
 13 available” and inserting “may be utilized”.

14 **SEC. 130. TRANSPORTATION ASSISTANCE FOR OLYMPIC**
 15 **CITIES.**

16 (a) PURPOSE.—The purpose of this section is to pro-
 17 vide assistance and support to State and local efforts on
 18 surface and aviation-related transportation issues nec-
 19 essary to obtain the national recognition and economic
 20 benefits of participation in the International Olympic
 21 movement by hosting international quadrennial Olympic
 22 events in the United States.

23 (b) PRIORITY FOR TRANSPORTATION PROJECTS RE-
 24 LATED TO OLYMPIC EVENTS.—Notwithstanding any other
 25 provision of law, the Secretary may give priority to fund-

1 ing for a transportation project related to an Olympic
2 event from funds available to carry out 1 or more of sec-
3 tions 144(g)(1) and 160 of title 23, United States Code,
4 and sections 5309 and 5326 of title 49, United States
5 Code, if the project meets the extraordinary needs associ-
6 ated with an international quadrennial Olympic event and
7 if the project is otherwise eligible for assistance under
8 such section.

9 (c) TRANSPORTATION PLANNING ACTIVITIES.—The
10 Secretary may participate in planning activities of States
11 and metropolitan planning organizations and transpor-
12 tation projects related to an international quadrennial
13 Olympic event under sections 134 and 135 of title 23,
14 United States Code, and in developing intermodal trans-
15 portation plans necessary for such projects in coordination
16 with State and local transportation agencies.

17 (d) USE OF ADMINISTRATIVE EXPENSES.—The Sec-
18 retary may provide assistance from funds deducted under
19 section 104(a) of title 23, United States Code, for the de-
20 velopment of an Olympics transportation management
21 plan in cooperation with an Olympic Organizing Commit-
22 tee responsible for hosting, and State and local commu-
23 nities affected by, an international quadrennial Olympic
24 event.

1 (e) TRANSPORTATION PROJECTS RELATED TO
2 OLYMPIC EVENTS.—

3 (1) GENERAL AUTHORITY.—The Secretary may
4 provide assistance to States and local governments
5 in carrying out transportation projects related to an
6 international quadrennial Olympic event. Such as-
7 sistance may include planning, capital, and operat-
8 ing assistance.

9 (2) FEDERAL SHARE.—The Federal share of
10 the costs of projects assisted under this subsection
11 shall not exceed 80 percent.

12 (f) ELIGIBLE GOVERNMENTS.—A State or local gov-
13 ernment is eligible to receive assistance under this section
14 only if it is hosting a venue that is part of an international
15 quadrennial Olympics that is officially selected by the
16 International Olympic Committee.

17 (g) AIRPORT DEVELOPMENT PROJECTS.—

18 (1) AIRPORT DEVELOPMENT DEFINED.—Sec-
19 tion 47102(3) of title 49, United States Code, is
20 amended by adding at the end the following:

21 “(H) Developing, in coordination with
22 State and local transportation agencies, inter-
23 modal transportation plans necessary for Olym-
24 pic-related projects at an airport.”.

1 (2) DISCRETIONARY GRANTS.—Section
2 47115(d) of title 49, United States Code, is amend-
3 ed—

4 (A) by striking “and” at the end of para-
5 graph (5);

6 (B) by striking the period at the end of
7 paragraph (6) and inserting “; and”; and

8 (C) by adding at the end the following:

9 “(7) the need for the project in order to meet
10 the unique demands of hosting international quad-
11 rennial Olympic events.”.

12 **SEC. 131. NATIONAL DEFENSE HIGHWAYS.**

13 (a) RECONSTRUCTION PROJECTS.—If the Secretary
14 determines, after consultation with the Secretary of De-
15 fense, that a highway, or portion of a highway, located
16 outside the United States is important to the national de-
17 fense, the Secretary may carry out a project for the recon-
18 struction of such highway or portion of highway.

19 (b) FUNDING.—The Secretary may make available,
20 from funds appropriated for expenditure on the National
21 Highway System, not to exceed \$20,000,000 per fiscal
22 year for each of fiscal years 1998, 1999, and 2000 to carry
23 out this section. Such sums shall remain available until
24 expended.

1 **SEC. 132. MISCELLANEOUS SURFACE TRANSPORTATION**
2 **PROGRAMS.**

3 (a) **INFRASTRUCTURE AWARENESS PROGRAM.**—

4 (1) **IN GENERAL.**—The Secretary is authorized
5 to fund the production of a documentary about in-
6 frastructure in cooperation with a not-for-profit na-
7 tional public television station and the National
8 Academy of Engineering which shall demonstrate
9 how public works and infrastructure projects stimu-
10 late job growth and the economy and contribute to
11 the general welfare of the nation.

12 (2) **FUNDING.**—There is authorized to be ap-
13 propriated out of the Highway Trust Fund (other
14 than the Mass Transit Account) to carry out this
15 section \$1,000,000 for each of fiscal years 1998,
16 1999, and 2000. Such funds shall remain available
17 until expended.

18 (3) **APPLICABILITY OF TITLE 23.**—Funds au-
19 thorized by this subsection shall be available for obli-
20 gation in the same manner as if such funds were ap-
21 portioned under chapter 1 of title 23, United States
22 Code; except that the Federal share of the cost of
23 any project under this subsection and the availability
24 of funds authorized by this subsection shall be deter-
25 mined in accordance with this subsection.

26 (b) **STUDY OF PARKING FACILITIES ADEQUACY.**—

1 (1) STUDY.—The Secretary shall conduct a
2 study to determine the location and quantity of
3 parking facilities at commercial truck stops and
4 travel plazas and public rest areas that could be
5 used by motor carriers to comply with Federal hours
6 of service rules. The study shall include an inventory
7 of current facilities serving the National Highway
8 System, analyze where shortages exist or are pro-
9 jected to exist, and propose a plan to reduce the
10 shortages. The study shall be carried out in coopera-
11 tion with research entities representing the motor
12 carrier and travel plaza industry.

13 (2) REPORT.—Not later than January 1, 2001,
14 the Secretary shall transmit to Congress a report on
15 the results of the study with any recommendations
16 the Secretary determines appropriate as a result of
17 the study.

18 (3) FUNDING.—From amounts set aside under
19 section 104(a) of title 23, United States Code, for
20 each of fiscal years 1998, 1999, and 2000, the Sec-
21 retary may use not to exceed \$500,000 per fiscal
22 year to carry out this section.

23 **SEC. 133. ELIGIBILITY.**

24 (a) DEVILS SLIDE, CALIFORNIA.—Notwithstanding
25 any other provision of law, the authorization of emergency

1 relief funds by the Federal Highway Administration on
2 September 2, 1986, to construct a bypass of the Devils
3 Slide, California, failure shall be considered to be for the
4 project to bypass the slide failure that is finally selected
5 upon completion of the environmental analysis. The Sec-
6 retary shall not expend the funds for the bypass finally
7 selected at a rate faster than the rate that the Secretary
8 would have expended the funds for the original bypass.

9 (b) AMBASSADOR BRIDGE ACCESS, MICHIGAN.—Not-
10 withstanding section 129 of title 23, United States Code,
11 or any other provision of law, improvements to and con-
12 struction of access roads, approaches, and related facilities
13 (such as signs, lights, and signals) necessary to connect
14 the Ambassador Bridge in Detroit, Michigan, to the Inter-
15 state System shall be eligible for funds apportioned under
16 sections 104(b)(1) and 104(b)(3) of such title.

17 (c) CUYAHOGA RIVER BRIDGE, OHIO.—Notwith-
18 standing section 149 of title 23, United States Code, or
19 any other provision of law, a project to construct a new
20 bridge over the Cuyahoga River in Cleveland, Ohio, shall
21 be eligible for funds apportioned under section 104(b)(2)
22 of such title.

23 (d) NORTHEAST OHIO TRANSPORTATION HISTORY
24 MUSEUM.—A museum to be established in Northeast Ohio
25 which will be devoted to the history of transportation and

1 industry in Northeast Ohio and in the United States, and
 2 which will be developed in cooperation with the private sec-
 3 tor and the State of Ohio, shall be eligible for assistance
 4 under section 133(d)(2) of title 23, United States Code.

5 (e) RAIL MUSEUM IN PRINCETON, WEST VIR-
 6 GINIA.—A museum to be established in Princeton, West
 7 Virginia, which will be devoted to railroad history shall
 8 be eligible for assistance under section 133(d)(2) of title
 9 23, United States Code.

10 (f) BUS MUSEUM IN HIBBING, MINNESOTA.—A mu-
 11 seum to be established in Hibbing, Minnesota, which will
 12 be devoted to intercity bus history shall be eligible for as-
 13 sistance under section 133(d)(2) of title 23, United States
 14 Code.

15 **SEC. 134. FISCAL, ADMINISTRATIVE, AND OTHER AMEND-**
 16 **MENTS.**

17 (a) ADVANCED CONSTRUCTION.—Section 115 is
 18 amended—

19 (1) in subsection (b)—

20 (A) by moving the text of paragraph (1) 2
 21 ems to the left;

22 (B) by striking “(1) IN GENERAL.—”

23 (C) by striking paragraphs (2) and (3);

24 and

1 (D) by striking “(A) prior” and inserting
2 “(1) prior”; and

3 (E) by striking “(B) the project” and in-
4 serting “(2) the project”;

5 (2) by striking subsection (c); and

6 (3) by redesignating subsection (d) as sub-
7 section (c).

8 (b) AVAILABILITY OF FUNDS.—Section 118 is
9 amended—

10 (1) in the subsection heading for subsection (b)
11 by striking “; DISCRETIONARY PROJECTS”; and

12 (2) by striking subsection (e) and inserting the
13 following:

14 “(e) EFFECT OF RELEASE OF FUNDS.—Any Fed-
15 eral-aid highway funds released by the final payment on
16 a project, or by the modification of the project agreement,
17 shall be credited to the same program funding category
18 previously apportioned to the State and shall be imme-
19 diately available for expenditure.”.

20 (c) FEDERAL SHARE PAYABLE.—Section 120 is
21 amended in each of subsections (a) and (b) by striking
22 “shall be” and inserting “shall not exceed”.

23 (d) PAYMENTS TO STATES FOR CONSTRUCTION.—
24 Section 121 is amended—

25 (1) in subsection (a)—

1 (A) by striking the second sentence; and

2 (B) by striking the last sentence and in-
3 serting the following: “Such payments may also
4 be made for the value of the materials (1)
5 which have been stockpiled in the vicinity of
6 such construction in conformity to plans and
7 specifications for the projects, and (2) which
8 are not in the vicinity of such construction if
9 the Secretary determines that because of re-
10 quired fabrication at an off-site location the
11 material cannot be stockpiled in such vicinity.”;

12 (2) by striking subsection (b) and inserting the
13 following:

14 “(b) PROJECT AGREEMENT.—No payment shall be
15 made under this chapter except for a project covered by
16 a project agreement. After completion of the project in ac-
17 cordance with the project agreement, a State shall be enti-
18 tled to payment out of the appropriate sums apportioned
19 or allocated to it of the unpaid balance of the Federal
20 share payable on account of such project.”;

21 (3) by striking subsections (c) and (d); and

22 (4) by redesignating subsection (e) as sub-
23 section (c).

24 (e) ADVANCES TO STATES.—Section 124 is amend-
25 ed—

1 (1) by striking “(a)” the first place it appears;
2 and

3 (2) by striking subsection (b).

4 (f) DIVERSION.—Section 126, and the item relating
5 to such section in the table of sections for chapter 1, are
6 repealed.

7 (g) STATE HIGHWAY DEPARTMENT.—Section 302 is
8 amended—

9 (1) by adding at the end of subsection (a) the
10 following: “Compliance with this provision shall have
11 no effect on the eligibility of costs.”;

12 (2) by striking “(a)”;

13 (3) by striking subsection (b).

14 (h) BRIDGE COMMISSIONS.—Public Law 87–441, re-
15 lating to bridge commissions created by Congress and
16 Federal approval of membership of such commissions, is
17 repealed.

18 (i) OTHER AMENDMENTS.—

19 (1) Section 1023(h)(1) of Intermodal Surface
20 Transportation Efficiency Act of 1991 (23 U.S.C.
21 127 note) is amended by striking “the date on which
22 Federal-aid highway and transit programs are reau-
23 thorized after the date of the enactment of the Na-
24 tional Highway System Designation Act of 1995”
25 and inserting “September 30, 2000”.

1 (2) Section 127(a) is amended by inserting be-
2 fore the next to the last sentence the following:
3 “With respect to the State of Colorado, vehicles de-
4 signed to carry 2 or more precast concrete panels
5 shall be considered a nondivisible load.”.

6 (3) Section 127(a) is amended by adding at the
7 end the following: “The State of Louisiana may
8 allow, by special permit, the operation of vehicles
9 with a gross vehicle weight of up to 100,000 pounds
10 for the hauling of sugarcane during the harvest sea-
11 son, not to exceed 100 days annually.”.

12 (4) Section 127 is amended by adding at the
13 end the following new subsection:

14 “(h) MAINE AND NEW HAMPSHIRE.—With respect to
15 Interstate Route 95 in the State of New Hampshire, State
16 laws or regulations in effect on January 1, 1987, shall
17 be applicable for purposes of this section. With respect to
18 that portion of the Maine Turnpike designated Interstate
19 Route 95 and 495, and that portion of Interstate Route
20 95 from the southern terminus of the Maine Turnpike to
21 the New Hampshire State line, State laws or regulations
22 in effect on October 1, 1995, shall be applicable for pur-
23 poses of this section.”.

24 (j) SPECIALIZED HAULING VEHICLES.—

1 (1) STUDY.—The Secretary shall conduct a
2 study to examine the impact of the truck weight
3 standards on specialized hauling vehicles.

4 (2) REPORT.—Not later than 2 years after the
5 date of the enactment of this Act, the Secretary
6 shall transmit to Congress a report on the results of
7 the study with any recommendations the Secretary
8 determines appropriate as a result of the study.

9 **SEC. 135. ACCESS OF MOTORCYCLES.**

10 Section 102 is amended by redesignating subsection
11 (b) as subsection (c) and by inserting after subsection (a)
12 the following:

13 “(b) ACCESS OF MOTORCYCLES.—No State or politi-
14 cal subdivision of a State may restrict the access of motor-
15 cycles to any highway or portion of a highway for which
16 Federal-aid highway funds have been utilized for planning,
17 design, construction, or maintenance.”.

18 **SEC. 136. AMENDMENTS TO ISTEA.**

19 (a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of
20 the Intermodal Surface Transportation Efficiency Act of
21 1991 (105 Stat. 2032–2033) is amended—

22 (1) in paragraph (18)—

23 (A) by striking “and to include” and in-
24 serting the following:

25 “as follows:

1 “(A) In Tennessee, Mississippi, Arkansas,
2 and Louisiana, the Corridor shall—

3 “(i) follow the alignment generally
4 identified in the Corridor 18 Special Issues
5 Study Final Report; and

6 “(ii) run in an East/South direction to
7 United States Route 61 and cross the Mis-
8 sissippi River (in the vicinity of Memphis,
9 Tennessee) to Highway 79, and then follow
10 Highway 79 south to Wabbaseka, Arkan-
11 sas, and then proceed south in the direc-
12 tion of Monticello, Arkansas, and link up
13 with the route proposed in the Corridor 18
14 Special Issues Study Final Report which
15 would continue to Haynesville, Louisiana.

16 “(B) In the Lower Rio Grande Valley, the
17 Corridor shall—

18 “(i) include United States Route 77
19 from the Rio Grande River to Interstate
20 Route 37 at Corpus Christi, Texas, and
21 then to Victoria, Texas, via United States
22 Route 77 and United States Route 281
23 from the Rio Grande River to Interstate
24 Route 37 and then to Victoria, Texas, via
25 United States Route 59; and

1 “(ii) include”;

2 (2) in paragraph (21) by striking “United
3 States Route 17 in the vicinity of Salamanca, New
4 York” and inserting “Interstate Route 80”; and

5 (3) by inserting after paragraph (29) the fol-
6 lowing:

7 “(30) Interstate Route 5 in the States of Or-
8 egon and Washington.

9 “(31) The Mon-Fayette Expressway and South-
10 ern Beltway in Pennsylvania.

11 “(32) The Wisconsin Development Corridor
12 from the Iowa, Illinois, and Wisconsin border near
13 Dubuque, Iowa, to the Upper Mississippi River
14 Basin near Eau Claire, Wisconsin, as follows:

15 “(A) United States Route 151 from the
16 Iowa border to Fond du Lac via Madison, Wis-
17 consin, then United States Route 41 from Fond
18 du Lac to Marinette via Oshkosh, Appleton,
19 and Green Bay, Wisconsin.

20 “(B) State Route 29 from Green Bay to I-
21 94 via Wausau, Chippewa Falls, and Eau
22 Claire, Wisconsin.

23 “(C) United States Route 10 from Apple-
24 ton to Marshfield, Wisconsin.

1 “(33) The Capital Gateway Corridor following
 2 United States Route 50 from I-395 in Washington,
 3 D.C., to the intersection of United States Route 50
 4 with Kenilworth Avenue and the Baltimore-Washing-
 5 ton Parkway in Maryland.”.

6 (b) OTHER AMENDMENTS TO ISTEA.—The table
 7 contained in section 1106(a)(2) of the Intermodal Surface
 8 Transportation Efficiency Act of 1991 (105 Stat. 2037–
 9 2042) is amended in item 1, relating to Cadiz, Ohio—

10 (1) by striking “Cadiz” the first place it ap-
 11 pears and inserting “Bellaire”; and

12 (2) by striking “Improvements” and all that
 13 follows through “Rayland, Ohio” and inserting
 14 “Washington Street project in Bellaire, Ohio”.

15 **SEC. 137. BICYCLE TRANSPORTATION AND PEDESTRIAN**
 16 **WALKWAYS.**

17 (a) IN GENERAL.—Section 217 is amended—

18 (1) in subsection (b)—

19 (A) by inserting “pedestrian walkways
 20 and” after “construction of”; and

21 (B) by striking “(other than the Interstate
 22 System)”;

23 (2) in subsection (e) by striking “, other than
 24 a highway access to which is fully controlled,”;

1 (3) by striking subsection (g) and inserting the
2 following:

3 “(g) PLANNING AND DESIGN.—Bicyclists and pedes-
4 trians shall be given due consideration in the comprehen-
5 sive transportation plans developed by each metropolitan
6 planning organization and State in accordance with sec-
7 tions 134 and 135, respectively. Bicycle transportation fa-
8 cilities and pedestrian walkways shall be considered, where
9 appropriate, in conjunction with all new construction and
10 reconstruction of transportation facilities, except where bi-
11 cycle and pedestrian use are not permitted. Transpor-
12 tation plans and projects shall provide due consideration
13 for safety and contiguous routes.”;

14 (4) in subsection (h) by striking “No motorized
15 vehicles shall” and inserting “Motorized vehicles
16 may not”; and

17 (5) in subsection (h)(3) by striking “when State
18 and local regulations permit,”; and

19 (6) by striking subsections (i) and (j) and in-
20 serting the following:

21 “(i) DEFINITIONS.—In this section, the following
22 definitions apply:

23 “(1) BICYCLE TRANSPORTATION FACILITY.—
24 The term ‘bicycle transportation facility’ means new
25 or improved lanes, paths, or shoulders for use by

1 bicyclists, traffic control devices, shelters, and park-
2 ing facilities for bicycles.

3 “(2) PEDESTRIAN.—The term ‘pedestrian’
4 means any person traveling by foot and any mobility
5 impaired person using a wheelchair.

6 “(3) WHEELCHAIR.—The term ‘wheelchair’
7 means a mobility aid, usable indoors, and designed
8 for and used by individuals with mobility impair-
9 ments, whether operated manually or powered.”.

10 (b) PROTECTION OF NONMOTORIZED TRANSPOR-
11 TATION TRAFFIC.—Section 109(n) is amended to read as
12 follows:

13 “(n) PROTECTION OF NONMOTORIZED TRANSPOR-
14 TATION TRAFFIC.—The Secretary shall not approve any
15 project or take any regulatory action under this title that
16 will result in the severance of an existing major route or
17 have significant adverse impact on the safety for non-
18 motorized transportation traffic and light motorcycles, un-
19 less such project or regulatory action provides for a rea-
20 sonably alternate route or such a route exists.”.

21 (c) HIGHWAY AND STREET DESIGN STANDARDS.—

22 (1) STUDY.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary
24 shall initiate, in conjunction with the American As-
25 sociation of State Highway and Transportation Offi-

1 cials, a study to consider proposals to amend the
2 policies of such association relating to highway and
3 street design standards to accommodate bicyclists
4 and pedestrians.

5 (2) REPORT.—Not later than 2 years after such
6 date of enactment, the Secretary shall transmit to
7 Congress a report on the results of the study with
8 any recommendations on amending the policies re-
9 ferred to in paragraph (1) the Secretary determines
10 appropriate.

11 (d) NATIONAL BICYCLE SAFETY EDUCATION CUR-
12 RICULA.—

13 (1) DEVELOPMENT.—The Secretary is author-
14 ized to develop a national bicycle safety education
15 curricula that may include courses relating to on-
16 road training.

17 (2) REPORT.—Not later than 12 months after
18 the date of the enactment of this Act, the Secretary
19 shall transmit to Congress a copy of the curricula.

20 (3) FUNDING.—From amounts made available
21 under section 210 of this Act, the Secretary may use
22 not to exceed \$500,000 for fiscal year 1998 to carry
23 out this subsection.

24 **SEC. 138. HAZARD ELIMINATION PROGRAM.**

25 Section 152 is amended—

1 (1) in subsection (a) by inserting “, bicyclists,”
2 after “motorists”; and

3 (2) in subsection (b) by striking “highway safe-
4 ty improvement project” and inserting “safety im-
5 provement project described in subsection (a)”.

6 **SEC. 139. SUBSTITUTE PROJECT.**

7 (a) APPROVAL OF PROJECT.—Notwithstanding any
8 other provision of law, upon the request of the Mayor of
9 the District of Columbia after consultation with appro-
10 priate local government officials, the Secretary of Trans-
11 portation may approve substitute highway, bus transit,
12 and light rail transit projects, in lieu of construction of
13 the Barney Circle Freeway project in the District of Co-
14 lumbia, as identified in the latest Interstate Cost Estimate
15 approved by Congress.

16 (b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—Upon
17 approval of any substitute project or projects under sub-
18 section (a)—

19 (1) the costs of construction of the interstate
20 construction project for which such project or
21 projects are substituted shall not be eligible for
22 funds authorized under section 108(b) of the Fed-
23 eral-Aid Highway Act of 1956; and

24 (2) a sum equal to the Federal share of such
25 costs, as included in the latest interstate cost esti-

1 mate approved by Congress, shall be available to the
2 Secretary to incur obligations under section
3 103(e)(4) of title 23, United States Code, for such
4 project.

5 (c) LIMITATION ON ELIGIBILITY.—By September 30,
6 1999, any substitute project approved under subsection
7 (a) (for which the Secretary finds that sufficient Federal
8 funds are available) must be under contract for construc-
9 tion or construction must have commenced. If any such
10 substitute project is not under contract for construction
11 or construction has not commenced by such date, then im-
12 mediately after such date, the Secretary shall withdraw
13 approval of such project and no funds shall be appro-
14 priated under the authority of section 103(e)(4) of title
15 23, United States Code, for such project.

16 (d) ADMINISTRATIVE PROVISIONS.—

17 (1) STATUS OF SUBSTITUTE PROJECT.—A sub-
18 stitute project approved under subsection (a) shall
19 be deemed to be a substitute project for purposes of
20 section 103(e)(4) of title 23, United States Code
21 (other than subparagraphs (C) and (O)).

22 (2) REDUCTION OF UNOBLIGATED INTERSTATE
23 APPORTIONMENT.—Unobligated apportionments for
24 the Interstate System in the District of Columbia
25 shall, on the date of approval of a substitute project

1 under subsection (a), be reduced in the proportion
2 that the Federal share of the costs of the construc-
3 tion of the interstate construction project for which
4 such project is substituted bears to the Federal
5 share of the total cost of all interstate routes in the
6 District of Columbia as reflected in the latest cost
7 estimate approved by Congress.

8 (3) ADMINISTRATION THROUGH FHWA.—The
9 Secretary shall administer this section through the
10 Federal Highway Administration.

11 **SEC. 140. PROJECT ADMINISTRATION.**

12 (a) LIFE CYCLE COST ANALYSIS.—Section 106(e) is
13 amended—

14 (1) in paragraph (1) by striking “with a cost of
15 \$25,000,000 or more”;

16 (2) by adding at the end of paragraph (1) the
17 following: “The program shall be based on the prin-
18 ciples contained in section 2 of Executive Order
19 12893.”; and

20 (3) in paragraph (2) by inserting after “main-
21 tenance,” the following: “user costs,”.

22 (b) EVALUATION OF PROCUREMENT PRACTICES AND
23 PROJECT DELIVERY.—

24 (1) STUDY.—The Comptroller General shall
25 conduct a study to assess the impact that a utility

1 company's failure to relocate their facilities in a
2 timely manner has on the delivery and cost of Fed-
3 eral-aid highway and bridge projects. The study
4 shall also assess the following:

5 (A) Methods States use to mitigate such
6 delays, including the use of the courts to compel
7 utility cooperation.

8 (B) The prevalence and use of incentives
9 to utility companies for early completion of util-
10 ity relocations on Federal-aid transportation
11 project sites and, conversely, penalties assessed
12 on utility companies for utility relocation delays
13 on such projects.

14 (C) The extent to which States have used
15 available technologies, such as subsurface utility
16 engineering, early in the design of Federal-aid
17 highway and bridge projects so as to eliminate
18 or reduce the need for or delays due to utility
19 relocations.

20 (D) Whether individual States compensate
21 transportation contractors for business costs
22 they incur when Federal-aid highway and
23 bridge projects under contract to them are de-
24 layed by utility company caused delays in utility

1 relocations and any methods used by States in
2 making any such compensation.

3 (2) REPORT.—Not later than 1 year after the
4 date of the enactment of this Act, the Comptroller
5 General shall transmit to Congress a report on the
6 results of the study with any recommendations the
7 Comptroller General determines appropriate as a re-
8 sult of the study.

9 **SEC. 141. DEFINITIONS.**

10 Section 101(a) is amended to read as follows:

11 “(a) DEFINITIONS.—The following definitions apply:

12 “(1) APPORTIONMENT.—The term ‘apportion-
13 ment’ includes unexpended apportionments made
14 under prior authorization laws.

15 “(2) CARPOOL PROJECT.—The term ‘carpool
16 project’ means any project to encourage the use of
17 carpools and vanpools, including provision of car-
18 pooling opportunities to the elderly and handicapped,
19 systems for locating potential riders and informing
20 them of carpool opportunities, acquiring vehicles for
21 carpool use, designating existing highway lanes as
22 preferential carpool highway lanes, providing related
23 traffic control devices, and designating existing fa-
24 cilities for use for preferential parking for carpools.

1 “(3) CONSTRUCTION.—The term ‘construction’
2 means the supervising, inspecting, actual building,
3 and all expenses incidental to the construction or re-
4 construction of a highway, including bond costs and
5 other costs relating to the issuance in accordance
6 with section 122 of bonds or other debt financing in-
7 struments and costs incurred by the State in per-
8 forming Federal-aid project related audits which di-
9 rectly benefit the Federal-aid highway program.

10 Such term includes—

11 “(A) locating, surveying, and mapping (in-
12 cluding the establishment of temporary and per-
13 manent geodetic markers in accordance with
14 specifications of the National Oceanic and At-
15 mospheric Administration in the Department of
16 Commerce);

17 “(B) resurfacing, restoration, and rehabili-
18 tation;

19 “(C) acquisition of rights-of-way;

20 “(D) relocation assistance, acquisition of
21 replacement housing sites, and acquisition and
22 rehabilitation, relocation, and construction of
23 replacement housing;

24 “(E) elimination of hazards of railway
25 grade crossings;

1 “(F) elimination of roadside obstacles;

2 “(G) improvements which directly facilitate
3 and control traffic flow, such as grade separa-
4 tion of intersections, widening of lanes, channel-
5 ization of traffic, traffic control systems, and
6 passenger loading and unloading areas; and

7 “(H) capital improvements which directly
8 facilitate an effective vehicle weight enforcement
9 program, such as scales (fixed and portable),
10 scale pits, scale installation, and scale houses.

11 “(4) COUNTY.—The term ‘county’ includes cor-
12 responding units of government under any other
13 name in States which do not have county organiza-
14 tions and, in those States in which the county gov-
15 ernment does not have jurisdiction over highways,
16 any local government unit vested with jurisdiction
17 over local highways.

18 “(5) FEDERAL-AID HIGHWAYS.—The term
19 ‘Federal-aid highways’ means highways eligible for
20 assistance under this chapter other than highways
21 classified as local roads or rural minor collectors.

22 “(6) FEDERAL-AID SYSTEM.—The term ‘Fed-
23 eral-aid system’ means any one of the Federal-aid
24 highway systems described in section 103.

1 “(7) FEDERAL LANDS HIGHWAYS.—The term
2 ‘Federal lands highways’ means forest highways,
3 public lands highways, park roads, parkways, and
4 Indian reservation roads which are public roads.

5 “(8) FOREST DEVELOPMENT ROADS AND
6 TRAILS.—The term ‘forest development roads and
7 trails’ means a forest road or trail under the juris-
8 diction of the Forest Service.

9 “(9) FOREST HIGHWAY.—The term ‘forest
10 highway’ means a forest road under the jurisdiction
11 of, and maintained by, a public authority and open
12 to public travel.

13 “(10) FOREST ROAD OR TRAIL.—The term ‘for-
14 est road or trail’ means a road or trail wholly or
15 partly within, or adjacent to, and serving the Na-
16 tional Forest System and which is necessary for the
17 protection, administration, and utilization of the Na-
18 tional Forest System and the use and development
19 of its resources.

20 “(11) HIGHWAY.—The term ‘highway’ includes
21 roads, streets, and parkways, and also includes
22 rights-of-way, bridges, railroad-highway crossings,
23 tunnels, drainage structures, signs, guardrails, and
24 protective structures, in connection with highways.
25 It further includes that portion of any interstate or

1 international bridge or tunnel and the approaches
2 thereto, the cost of which is assumed by a State
3 highway department, including such facilities as may
4 be required by the United States Customs and Im-
5 migration Services in connection with the operation
6 of an international bridge or tunnel.

7 “(12) HIGHWAY SAFETY IMPROVEMENT
8 PROJECT.—The term ‘highway safety improvement
9 project’ means a project which corrects or improves
10 high hazard locations, eliminates roadside obstacles,
11 improves highway signing and pavement marking,
12 installs priority control systems for emergency vehi-
13 cles at signalized intersections, installs or replaces
14 emergency motorist aid call boxes, or installs traffic
15 control or warning devices at high accident potential
16 locations.

17 “(13) INDIAN RESERVATION ROADS.—The term
18 ‘Indian reservation roads’ means public roads that
19 are located within or provide access to an Indian
20 reservation or Indian trust land or restricted Indian
21 land which is not subject to fee title alienation with-
22 out the approval of the Federal Government, or In-
23 dian and Alaska Native villages, groups, or commu-
24 nities in which Indians and Alaskan Natives reside,
25 whom the Secretary of the Interior has determined

1 are eligible for services generally available to Indians
2 under Federal laws specifically applicable to Indians.

3 “(14) INTERSTATE SYSTEM.—The term ‘Inter-
4 state System’ means the Dwight D. Eisenhower Na-
5 tional System of Interstate and Defense Highways
6 described in section 103(e).

7 “(15) MAINTENANCE.—The term ‘maintenance’
8 means the preservation of the entire highway, in-
9 cluding surface, shoulders, roadsides, structures, and
10 such traffic-control devices as are necessary for its
11 safe and efficient utilization.

12 “(16) NATIONAL HIGHWAY SYSTEM.—The term
13 ‘National Highway System’ means the Federal-aid
14 highway system described in section 103(b).

15 “(17) OPERATING COSTS FOR TRAFFIC MON-
16 ITORING, MANAGEMENT, AND CONTROL.—The term
17 ‘operating costs for traffic monitoring, management,
18 and control’ includes labor costs, administrative
19 costs, costs of utilities and rent, and other costs as-
20 sociated with the continuous operation of traffic con-
21 trol, such as integrated traffic control systems, inci-
22 dent management programs, and traffic control cen-
23 ters.

24 “(18) OPERATIONAL IMPROVEMENT.—The term
25 ‘operational improvement’ means a capital improve-

1 ment for installation of traffic surveillance and con-
2 trol equipment, computerized signal systems, motor-
3 ist information systems, integrated traffic control
4 systems, incident management programs, and trans-
5 portation demand management facilities, strategies,
6 and programs and such other capital improvements
7 to public roads as the Secretary may designate, by
8 regulation; except that such term does not include
9 resurfacing, restoring, or rehabilitating improve-
10 ments, construction of additional lanes, inter-
11 changes, and grade separations, and construction of
12 a new facility on a new location.

13 “(19) PARK ROAD.—The term ‘park road’
14 means a public road, including a bridge built pri-
15 marily for pedestrian use, but with capacity for use
16 by emergency vehicles, that is located within, or pro-
17 vides access to, an area in the National Park System
18 with title and maintenance responsibilities vested in
19 the United States.

20 “(20) PARKWAY.—The term ‘parkway’, as used
21 in chapter 2 of this title, means a parkway author-
22 ized by Act of Congress on lands to which title is
23 vested in the United States.

24 “(21) PROJECT.—The term ‘project’ means an
25 undertaking to construct a particular portion of a

1 highway, or if the context so implies, the particular
2 portion of a highway so constructed or any other un-
3 dertaking eligible for assistance under this title.

4 “(22) PROJECT AGREEMENT.—The term
5 ‘project agreement’ means the formal instrument to
6 be executed by the State highway department and
7 the Secretary as required by section 110(a).

8 “(23) PUBLIC AUTHORITY.—The term ‘public
9 authority’ means a Federal, State, county, town, or
10 township, Indian tribe, municipal or other local gov-
11 ernment or instrumentality with authority to fi-
12 nance, build, operate, or maintain toll or toll-free fa-
13 cilities.

14 “(24) PUBLIC LANDS DEVELOPMENT ROADS
15 AND TRAILS.—The term ‘public lands development
16 roads and trails’ means those roads or trails which
17 the Secretary of the Interior determines are of pri-
18 mary importance for the development, protection,
19 administration, and utilization of public lands and
20 resources under his control.

21 “(25) PUBLIC LANDS HIGHWAY.—The term
22 ‘public lands highway’ means any highway through
23 unappropriated or unreserved public lands, non-
24 taxable Indian lands, or other Federal reservations

1 under the jurisdiction of and maintained by a public
2 authority and open to public travel.

3 “(26) PUBLIC ROAD.—The term ‘public road’
4 means any road or street under the jurisdiction of
5 and maintained by a public authority and open to
6 public travel.

7 “(27) RURAL AREAS.—The term ‘rural areas’
8 means all areas of a State not included in urban
9 areas.

10 “(28) SECRETARY.—The term ‘Secretary’
11 means Secretary of Transportation.

12 “(29) STATE.—The term ‘State’ means any one
13 of the fifty States, the District of Columbia, or
14 Puerto Rico.

15 “(30) STATE FUNDS.—The term ‘State funds’
16 includes funds raised under the authority of the
17 State or any political or other subdivision thereof,
18 and made available for expenditure under the direct
19 control of the State highway department.

20 “(31) STATE HIGHWAY DEPARTMENT.—The
21 term ‘State highway department’ means that depart-
22 ment, commission, board, or official of any State
23 charged by its laws with the responsibility for high-
24 way construction.

1 “(32) TRANSPORTATION ENHANCEMENT AC-
2 TIVITIES.—The term ‘transportation enhancement
3 activities’ means, with respect to any project or the
4 area to be served by the project, any of the following
5 activities if such activity has a direct link to surface
6 transportation: provision of facilities for pedestrians
7 and bicycles, provision of safety and educational ac-
8 tivities for pedestrians and bicyclists, acquisition of
9 scenic easements and scenic or historic sites, scenic
10 or historic highway programs, landscaping and other
11 scenic beautification, including removal of graffiti
12 and litter to the extent that such removal is in ex-
13 cess of fiscal year 1997 maintenance levels for re-
14 moval of graffiti and litter, historic preservation, re-
15 habilitation and operation of historic transportation
16 buildings, structures, or facilities (including historic
17 railroad facilities and canals), preservation of aban-
18 doned railway corridors (including the conversion
19 and use thereof for pedestrian or bicycle trails), con-
20 trol and removal of outdoor advertising, archaeologi-
21 cal planning and research, mitigation of water pollu-
22 tion due to highway runoff, and provision of tourist
23 and welcome centers and the provision of informa-
24 tion at such centers.

1 “(33) URBAN AREA.—The term ‘urban area’
2 means an urbanized area or, in the case of an ur-
3 banized area encompassing more than one State,
4 that part of the urbanized area in each such State,
5 or urban place as designated by the Bureau of the
6 Census having a population of 5,000 or more and
7 not within any urbanized area, within boundaries to
8 be fixed by responsible State and local officials in co-
9 operation with each other, subject to approval by the
10 Secretary. Such boundaries shall, as a minimum, en-
11 compass the entire urban place designated by the
12 Bureau of the Census, except in the case of cities in
13 the State of Maine and in the State of New Hamp-
14 shire.

15 “(34) URBANIZED AREA.—The term ‘urbanized
16 area’ means an area with a population of 50,000 or
17 more designated by the Bureau of the Census, with-
18 in boundaries to be fixed by responsible State and
19 local officials in cooperation with each other, subject
20 to approval by the Secretary. Boundaries shall, at a
21 minimum, encompass the entire urbanized area with-
22 in a State as designated by the Bureau of the
23 Census.”.

1 **TITLE II—HIGHWAY SAFETY**

2 **SEC. 201. AMENDMENTS TO TITLE 23, UNITED STATES**
3 **CODE.**

4 Except as otherwise specifically provided, whenever in
5 this title an amendment or repeal is expressed in terms
6 of an amendment to, or repeal of, a section or other provi-
7 sion of law, the reference shall be considered to be made
8 to a section or other provision of title 23, United States
9 Code.

10 **SEC. 202. HIGHWAY SAFETY PROGRAMS.**

11 (a) UNIFORM GUIDELINES.—Section 402(a) is
12 amended—

13 (1) in the fourth sentence by striking “(4)” and
14 inserting “(4) to prevent accidents and”; and

15 (2) in the eighth sentence by striking “include
16 information obtained by the Secretary under section
17 4007 of the Intermodal Surface Transportation Effi-
18 ciency Act of 1991 and”.

19 (b) ADMINISTRATION OF STATE PROGRAMS.—Sec-
20 tion 402(b) is amended—

21 (1) by striking “(b)(1)” and all that follows
22 through paragraph (2) and inserting the following:

23 “(b) ADMINISTRATION OF STATE PROGRAMS.—”;

24 (2) by redesignating paragraph (3), (4), and (5)
25 as paragraphs (1), (2), and (3), respectively;

1 (3) in paragraph (1)(C), as so redesignated, by
2 striking “paragraph (5)” and inserting “paragraph
3 (3)”; and

4 (4) in paragraph (2), as so redesignated, by
5 striking “paragraph (3)(C)” and inserting “para-
6 graph (1)(C)”.

7 (c) APPORTIONMENT OF FUNDS.—The 6th sentence
8 of section 402(c) is amended by inserting “the appor-
9 tionment to the Secretary of the Interior shall not be less than
10 three-fourths of 1 percent of the total apportionment and”
11 after “except that”.

12 (d) APPLICATION IN INDIAN COUNTRY.—Section
13 402(i) is amended to read as follows:

14 “(i) APPLICATION IN INDIAN COUNTRY.—

15 “(1) IN GENERAL.—For the purpose of applica-
16 tion of this section in Indian country, the terms
17 ‘State’ and ‘Governor of a State’ include the Sec-
18 retary of the Interior and the term ‘political subdivi-
19 sion of a State’ includes an Indian tribe. Notwith-
20 standing subsection (b)(1)(C), 95 percent of the
21 funds apportioned to the Secretary of the Interior
22 under this section shall be expended by Indian tribes
23 to carry out highway safety programs within their
24 jurisdictions. The requirements of subsection
25 (b)(1)(D) shall be applicable to Indian tribes, except

1 to those tribes with respect to which the Secretary
2 of Transportation determines that application of
3 such provisions would not be practicable.

4 “(2) INDIAN COUNTRY DEFINED.—In this sub-
5 section, the term ‘Indian country’ means—

6 “(A) all land within the limits of any In-
7 dian reservation under the jurisdiction of the
8 United States, notwithstanding the issuance of
9 any patent, and including rights-of-way running
10 through the reservation;

11 “(B) all dependent Indian communities
12 within the borders of the United States, wheth-
13 er within the original or subsequently acquired
14 territory thereof and whether within or without
15 the limits of a State; and

16 “(C) all Indian allotments, the Indian ti-
17 tles to which have not been extinguished, in-
18 cluding rights-of-way running through such al-
19 lotments.”.

20 (e) RULEMAKING PROCEEDING.—Section 402(j) is
21 amended to read as follows:

22 “(j) RULEMAKING PROCEEDING.—The Secretary
23 may from time to time conduct a rulemaking process to
24 identify highway safety programs that are highly effective
25 in reducing motor vehicle crashes, injuries, and deaths.

1 Any such rulemaking shall take into account the major
2 role of the States in implementing such programs. When
3 a rule promulgated in accordance with this section takes
4 effect, States shall consider these highly effective pro-
5 grams when developing their highway safety programs.”.

6 **SEC. 203. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
7 **MENT.**

8 Section 403(a)(2)(A) is amended by inserting “, in-
9 cluding training in work zone safety management” after
10 “personnel”.

11 **SEC. 204. SAFETY INCENTIVE GRANTS.**

12 (a) IN GENERAL.—Section 405 is amended to read
13 as follows:

14 **“§ 405. Occupant protection incentive grants**

15 **“(a) GENERAL AUTHORITY.—**

16 **“(1) AUTHORITY TO MAKE GRANTS.—**Subject
17 to the provisions of this section, the Secretary shall
18 make grants under subsections (b) and (c) to States
19 that adopt and implement effective programs to re-
20 duce highway deaths and injuries resulting from in-
21 dividuals riding unrestrained or improperly re-
22 strained in motor vehicles. Such grants may be used
23 by recipient States only to implement and enforce,
24 as appropriate, such programs.

1 “(2) MAINTENANCE OF EFFORT.—No grant
2 may be made to a State under subsection (b) or (c)
3 in any fiscal year unless the State enters into such
4 agreements with the Secretary as the Secretary may
5 require to ensure that the State will maintain its ag-
6 gregate expenditures from all other sources for pro-
7 grams described in paragraph (1) at or above the
8 average level of such expenditures in its 2 fiscal
9 years preceding the Building Efficient Surface
10 Transportation and Equity Act of 1997.

11 “(3) MAXIMUM PERIOD OF ELIGIBILITY; FED-
12 ERAL SHARE FOR GRANTS.—No State may receive
13 grants under subsection (b) or (c) in more than 3
14 fiscal years beginning after September 30, 1997.
15 The Federal share payable for any grant under this
16 section shall not exceed—

17 “(A) in the first and second fiscal years in
18 which the State receives the grant, 75 percent of the
19 cost of implementing and enforcing, as appropriate,
20 in such fiscal year a program adopted by the State;
21 and

22 “(B) in the third fiscal year in which the State
23 receives the grant, 50 percent of the cost of imple-
24 menting and enforcing, as appropriate, in such fiscal
25 year such program.

1 “(b) GRANT A.—A State may establish its eligibility
2 for a grant under this subsection by adopting or dem-
3 onstrating to the satisfaction of the Secretary at least 4
4 of the following:

5 “(1) SAFETY BELT USE LAW FOR ALL FRONT
6 SEAT PASSENGERS.—The State has in effect a safety
7 belt use law that makes unlawful throughout the
8 State the operation of a passenger motor vehicle
9 whenever an individual in the front seat of the vehi-
10 cle (other than a child who is secured in a child re-
11 straint system) does not have a safety belt properly
12 secured about the individual’s body.

13 “(2) PRIMARY SAFETY BELT USE LAW OR PEN-
14 ALTY POINTS.—The State provides for primary en-
15 forcement of its safety belt use law or provides for
16 the imposition of penalty points against an individ-
17 ual’s driver’s license for a violation of its safety belt
18 use law.

19 “(3) CHILD PASSENGER PROTECTION LAW.—
20 The State has in effect a child passenger protection
21 law that makes unlawful throughout the State the
22 operation of a passenger motor vehicle whenever a
23 child up to 4 years of age in the vehicle is not prop-
24 erly secured in a child safety seat.

1 “(4) SPECIAL TRAFFIC ENFORCEMENT PRO-
2 GRAM.—The State has implemented a statewide spe-
3 cial traffic enforcement program for occupant pro-
4 tection that emphasizes publicity for the program.

5 “(5) CHILD OCCUPANT PROTECTION EDU-
6 CATION PROGRAM.—The State has implemented a
7 statewide comprehensive child occupant protection
8 education program that includes education about
9 proper seating positions for children in air bag
10 equipped motor vehicles and instruction on how to
11 reduce the improper use of child restraints systems.

12 “(c) GRANT B.—A State may establish its eligibility
13 for a grant under this subsection by adopting or dem-
14 onstrating to the satisfaction of the Secretary each of the
15 following:

16 “(1) STATE SAFETY BELT USE RATE.—The
17 State demonstrates a statewide safety belt use rate
18 in both front outboard seating positions in all pas-
19 senger motor vehicles of 80 percent or higher in
20 each of the years a grant under this subparagraph
21 is received.

22 “(2) SURVEY METHOD.—The State follows
23 safety belt use survey methods which conform to
24 guidelines issued by the Secretary ensuring that
25 such measurements are accurate and representative.

1 “(d) GRANT AMOUNTS.—The amount of each grant
2 for which a State qualifies under subsection (b) or (c) for
3 a fiscal year shall equal up to 30 percent of the amount
4 apportioned to the State for fiscal year 1997 under section
5 402 of this title.

6 “(e) DEFINITIONS.—In this subsection, the following
7 definitions apply:

8 “(1) CHILD SAFETY SEAT.—The term ‘child
9 safety seat’ means any device (except safety belts)
10 designed for use in a motor vehicle to restrain, seat,
11 or position a child who weighs 50 pounds or less.

12 “(2) MOTOR VEHICLE.—The term ‘motor vehi-
13 cle’ means a vehicle driven or drawn by mechanical
14 power and manufactured primarily for use on public
15 streets, roads, and highways, but does not include a
16 vehicle operated only on a rail line.

17 “(3) MULTIPURPOSE PASSENGER VEHICLE.—
18 The term ‘multipurpose passenger vehicle’ means a
19 motor vehicle with motive power (except a trailer),
20 designed to carry not more than 10 individuals, that
21 is constructed either on a truck chassis or with spe-
22 cial features for occasional off-road operation.

23 “(4) PASSENGER CAR.—The term ‘passenger
24 car’ means a motor vehicle with motive power (ex-
25 cept a multipurpose passenger vehicle, motorcycle, or

1 trailer) designed to carry not more than 10 individ-
2 uals.

3 “(5) PASSENGER MOTOR VEHICLE.—The term
4 ‘passenger motor vehicle’ means a passenger car or
5 a multipurpose passenger motor vehicle.

6 “(6) SAFETY BELT.—The term ‘safety belt’
7 means—

8 “(A) with respect to open-body passenger
9 vehicles, including convertibles, an occupant re-
10 straint system consisting of a lap belt or a lap
11 belt and a detachable shoulder belt; and

12 “(B) with respect to other passenger vehi-
13 cles, an occupant restraint system consisting of
14 integrated lap and shoulder belts.

15 “(f) ADMINISTRATIVE EXPENSES.—Funds author-
16 ized to be appropriated to carry out this section shall be
17 subject to a deduction not to exceed 5 percent for the nec-
18 essary costs of administering the provisions of this section.

19 “(g) APPLICABILITY OF CHAPTER 1.—

20 “(1) IN GENERAL.—Except as otherwise pro-
21 vided in this subsection, all provisions of chapter 1
22 of this title that are applicable to National Highway
23 System funds, other than provisions relating to the
24 apportionment formula and provisions limiting the
25 expenditure of such funds to Federal-aid highways,

1 shall apply to the funds authorized to be appro-
2 priated to carry out this section.

3 “(2) INCONSISTENT PROVISIONS.—If the Sec-
4 retary determines that a provision of chapter 1 of
5 this title is inconsistent with this section, such provi-
6 sion shall not apply to funds authorized to be appro-
7 priated to carry out this section.

8 “(3) CREDIT FOR STATE AND LOCAL EXPENDI-
9 TURES.—The aggregate of all expenditures made
10 during any fiscal year by a State and its political
11 subdivisions (exclusive of Federal funds) for carrying
12 out the State highway safety program under section
13 402 (other than planning and administration) shall
14 be available for the purpose of crediting such State
15 during such fiscal year for the non-Federal share of
16 the cost of any project under this section (other than
17 one for planning or administration) without regard
18 to whether such expenditures were actually made in
19 connection with such project.

20 “(4) INCREASED FEDERAL SHARE FOR CERTAIN
21 INDIAN TRIBE PROGRAMS.—In the case of an occu-
22 pant protection program carried out by an Indian
23 tribe, if the Secretary is satisfied that an Indian
24 tribe does not have sufficient funds available to meet
25 the non-Federal share of the cost of such program,

1 the Secretary may increase the Federal share of the
 2 cost thereof payable under this title to the extent
 3 necessary.

4 “(5) TREATMENT OF TERM ‘STATE HIGHWAY
 5 DEPARTMENT’.—In applying provisions of chapter 1
 6 in carrying out this section, the term ‘State highway
 7 department’ as used in such provisions shall mean
 8 the Governor of a State and, in the case of an In-
 9 dian tribe program, the Secretary of the Interior.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-
 11 tions for such chapter is amended by inserting after the
 12 item relating to section 404 the following:

“405. Occupant protection incentive grants.”.

13 **SEC. 205. STATE HIGHWAY SAFETY DATA IMPROVEMENTS.**

14 (a) IN GENERAL.—Section 406 is amended to read
 15 as follows:

16 **“§ 406. State highway safety data improvements**

17 “(a) GENERAL AUTHORITY.—Subject to the provi-
 18 sions of this section, the Secretary shall make grants to
 19 States that adopt and implement effective programs to—

20 “(1) improve the timeliness, accuracy, complete-
 21 ness, uniformity, and accessibility of the State’s data
 22 needed to identify priorities for State and local high-
 23 way and traffic safety programs;

24 “(2) evaluate the effectiveness of efforts to
 25 make such improvements; and

1 “(3) link these State data systems, including
2 traffic records, together and with other data systems
3 within the State, such as systems that contain medi-
4 cal and economic data.

5 Such grants may be used by recipient States only to imple-
6 ment such programs.

7 “(b) MAINTENANCE OF EFFORT.—No grant may be
8 made to a State under this section in any fiscal year unless
9 the State enters into such agreements with the Secretary
10 as the Secretary may require to ensure that the State will
11 maintain its aggregate expenditures from all other sources
12 for highway safety data programs at or above the average
13 level of such expenditures in its 2 fiscal years preceding
14 the date of the enactment of the Building Efficient Sur-
15 face Transportation and Equity Act of 1997.

16 “(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL
17 SHARE FOR GRANTS.—No State may receive grants under
18 this section in more than 3 fiscal years beginning after
19 September 30, 1997. The Federal share payable for any
20 grant under this section shall not exceed—

21 “(1) in the first and second fiscal years in
22 which the State receives the grant, 75 percent of the
23 cost of implementing and enforcing, as appropriate,
24 in such fiscal year a program adopted by the State;

1 “(2) in the third fiscal year in which the State
2 receives the grant, 50 percent of the cost of imple-
3 menting and enforcing, as appropriate, in such fiscal
4 year such program.

5 “(d) FIRST-YEAR GRANTS.—

6 “(1) ELIGIBILITY.—A State shall be eligible for
7 a first-year grant under this section in a fiscal year
8 if the State either—

9 “(A) demonstrates, to the satisfaction of
10 the Secretary, that the State has—

11 “(i) established a highway safety data
12 and traffic records coordinating committee
13 with a multidisciplinary membership, in-
14 cluding the administrators, collectors, and
15 users of such data (including the public
16 health, injury control, and motor carrier
17 communities);

18 “(ii) completed, within the preceding
19 5 years, a highway safety data and traffic
20 records assessment or an audit of the
21 State’s highway safety data and traffic
22 records system; and

23 “(iii) initiated the development of a
24 multiyear highway safety data and traffic
25 records strategic plan, to be approved by

1 the State’s highway safety data and traffic
2 records coordinating committee, that iden-
3 tifies and prioritizes the State’s highway
4 safety data and traffic records needs and
5 goals, and that identifies performance-
6 based measures by which progress toward
7 those goals will be determined; or

8 “(B) provides, to the satisfaction of the
9 Secretary—

10 “(i) a certification that the State has
11 met the requirements of clauses (i) and (ii)
12 of subparagraph (A);

13 “(ii) a multiyear plan that—

14 “(I) identifies and prioritizes the
15 State’s highway safety data and traf-
16 fic records needs and goals;

17 “(II) specifies how the State’s in-
18 centive funds for the fiscal year will
19 be used to address those needs and
20 goals; and

21 “(III) identifies performance-
22 based measures by which progress to-
23 ward those goals will be determined;
24 and

1 “(iii) a certification that the State’s
2 highway safety data and traffic records co-
3 ordinating committee continues to operate
4 and supports the multiyear plan described
5 in clause (ii).

6 “(2) GRANT AMOUNTS.—The amount of a first-
7 year grant made to a State for a fiscal year under
8 this subsection shall equal—

9 “(A) if the State is eligible for the grant
10 under paragraph (1)(A), \$125,000, subject to
11 the availability of appropriations; and

12 “(B) if the State is eligible for the grant
13 under paragraph (1)(B), an amount determined
14 by multiplying—

15 “(i) the amount appropriated to carry
16 out this section for such fiscal year; by

17 “(ii) the ratio that the funds appor-
18 tioned to the State under section 402 for
19 fiscal year 1997 bears to the funds appor-
20 tioned to all States under section 402 for
21 fiscal year 1997;

22 except that no State shall receive less than
23 \$225,000, subject to the availability of appro-
24 priations.

25 “(e) SUCCEEDING YEAR GRANTS.—

1 “(1) ELIGIBILITY.—A State shall be eligible for
2 a grant under this subsection in any fiscal year suc-
3 ceeding the first fiscal year in which the State re-
4 ceives a grant under subsection (d) if the State, to
5 the satisfaction of the Secretary—

6 “(A) submits or updates a multiyear plan
7 described in paragraph (1)(B)(ii);

8 “(B) certifies that the highway safety data
9 and traffic records coordinating committee of
10 the State continues to operate and supports the
11 multiyear plan; and

12 “(C) reports annually on the State’s
13 progress in implementing the multiyear plan.

14 “(2) GRANT AMOUNTS.—The amount of a suc-
15 ceeding year grant made to the State for a fiscal
16 year under this paragraph shall equal the amount
17 determined by multiplying—

18 “(A) the amount appropriated to carry out
19 this section for such fiscal year; by

20 “(B) the ratio that the funds apportioned
21 to the State under section 402 for fiscal year
22 1997 bears to the funds apportioned to all
23 States under section 402 for fiscal year 1997;

1 except that no State shall receive less than
2 \$225,000, subject to the availability of appropria-
3 tions.

4 “(f) ADMINISTRATIVE EXPENSES.—Funds author-
5 ized to be appropriated to carry out this section shall be
6 subject to a deduction not to exceed 5 percent for the nec-
7 essary costs of administering the provisions of this section.

8 “(g) APPLICABILITY OF CHAPTER 1.—

9 “(1) IN GENERAL.—Except as otherwise pro-
10 vided in this subsection, all provisions of chapter 1
11 of this title that are applicable to National Highway
12 System funds, other than provisions relating to the
13 apportionment formula and provisions limiting the
14 expenditure of such funds to Federal-aid highways,
15 shall apply to the funds authorized to be appro-
16 priated to carry out this section.

17 “(2) INCONSISTENT PROVISIONS.—If the Sec-
18 retary determines that a provision of chapter 1 of
19 this title is inconsistent with this section, such provi-
20 sion shall not apply to funds authorized to be appro-
21 priated to carry out this section.

22 “(3) CREDIT FOR STATE AND LOCAL EXPENDI-
23 TURES.—The aggregate of all expenditures made
24 during any fiscal year by a State and its political
25 subdivisions (exclusive of Federal funds) for carrying

1 out the State highway safety program under section
2 402 (other than planning and administration) shall
3 be available for the purpose of crediting such State
4 during such fiscal year for the non-Federal share of
5 the cost of any project under this section (other than
6 one for planning or administration) without regard
7 to whether such expenditures were actually made in
8 connection with such project.

9 “(4) INCREASED FEDERAL SHARE FOR CERTAIN
10 INDIAN TRIBE PROGRAMS.—In the case of a highway
11 safety data improvements program carried out by an
12 Indian tribe, if the Secretary is satisfied that an In-
13 dian tribe does not have sufficient funds available to
14 meet the non-Federal share of the cost of such pro-
15 gram, the Secretary may increase the Federal share
16 of the cost thereof payable under this title to the ex-
17 tent necessary.

18 “(5) TREATMENT OF TERM ‘STATE HIGHWAY
19 DEPARTMENT’.—In applying provisions of chapter 1
20 in carrying out this section, the term ‘State highway
21 department’ as used in such provisions shall mean
22 the Governor of a State and, in the case of an In-
23 dian tribe program, the Secretary of the Interior.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-
 2 tions for such chapter is amended by inserting after the
 3 item relating to section 405 the following:

“406. State highway safety data improvements.”.

4 **SEC. 206. ALCOHOL-IMPAIRED DRIVING COUNTER-**
 5 **MEASURES.**

6 Section 410 is amended to read as follows:

7 **“§ 410. Alcohol-impaired driving countermeasures**

8 “(a) GENERAL AUTHORITY.—Subject to the require-
 9 ments of this section, the Secretary shall make grants to
 10 States that adopt and implement effective programs to re-
 11 duce traffic safety problems resulting from individuals
 12 driving while under the influence of alcohol. Such grants
 13 may only be used by recipient States to implement and
 14 enforce such programs.

15 “(b) MAINTENANCE OF EFFORT.—No grant may be
 16 made to a State under this section in any fiscal year unless
 17 the State enters into such agreements with the Secretary
 18 as the Secretary may require to ensure that the State will
 19 maintain its aggregate expenditures from all other sources
 20 for alcohol traffic safety programs at or above the average
 21 level of such expenditures in its 2 fiscal years preceding
 22 the date of the enactment of the Building Efficient Sur-
 23 face Transportation and Equity Act of 1997.

24 “(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL
 25 SHARE FOR GRANTS.—No State may receive grants under

1 this section in more than 3 fiscal years beginning after
 2 September 30, 1997. The Federal share payable for any
 3 grant under this section shall not exceed—

4 “(1) in the first and second fiscal years in
 5 which the State receives a grant under this section,
 6 75 percent of the cost of implementing and enforce-
 7 ing in such fiscal year a program adopted by the
 8 State pursuant to subsection (a); and

9 “(2) in the third fiscal year in which the State
 10 receives a grant under this section, 50 percent of the
 11 cost of implementing and enforcing in such fiscal
 12 year such program.

13 “(d) BASIC GRANT ELIGIBILITY.—

14 “(1) BASIC GRANT A.—A State shall become el-
 15 igible for a grant under this paragraph by adopting
 16 or demonstrating to the satisfaction of the Secretary
 17 at least 5 of the following:

18 “(A) .08 BAC PER SE LAW.—A law that
 19 provides that any individual with a blood alco-
 20 hol concentration of 0.08 percent or greater
 21 while operating a motor vehicle shall be deemed
 22 to be driving while intoxicated.

23 “(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver’s license sus-
 24 pension or revocation system for individuals
 25

1 who operate motor vehicles while under the in-
2 fluence of alcohol that requires that—

3 “(i) in the case of an individual who,
4 in any 5-year period beginning after the
5 date of the enactment of the Building Effi-
6 cient Surface Transportation and Equity
7 Act of 1997, is determined on the basis of
8 a chemical test to have been operating a
9 motor vehicle under the influence of alco-
10 hol or is determined to have refused to
11 submit to such a test as proposed by a law
12 enforcement officer, the State agency re-
13 sponsible for administering drivers’ li-
14 censes, upon receipt of the report of the
15 law enforcement officer—

16 “(I) shall suspend the driver’s li-
17 cense of such individual for a period
18 of not less than 90 days if such indi-
19 vidual is a first offender in such 5-
20 year period; and

21 “(II) shall suspend the driver’s li-
22 cense of such individual for a period
23 of not less than 1 year, or revoke such
24 license, if such individual is a repeat
25 offender in such 5-year period; and

1 “(ii) the suspension and revocation re-
2 ferred to under clause (i) shall take effect
3 not later than 30 days after the day on
4 which the individual refused to submit to a
5 chemical test or received notice of having
6 been determined to be driving under the
7 influence of alcohol, in accordance with the
8 State’s procedures.

9 “(C) UNDERAGE DRINKING PROGRAM.—
10 An effective system, as determined by the Sec-
11 retary, for preventing operators of motor vehi-
12 cles under age 21 from obtaining alcoholic bev-
13 erages. Such system may include a graduated
14 licensing system, the issuance of drivers’ li-
15 censes to individuals under age 21 that are eas-
16 ily distinguishable in appearance from drivers’
17 licenses issued to individuals age 21 years of
18 age or older, and the issuance of drivers’ li-
19 censes that are tamper resistant.

20 “(D) ENFORCEMENT PROGRAM.—Either—

21 “(i) a statewide program for stopping
22 motor vehicles on a nondiscriminatory,
23 lawful basis for the purpose of determining
24 whether the operators of such motor vehi-

cles are driving while under the influence
of alcohol; or

“(ii) a statewide special traffic enforcement program for impaired driving that emphasizes publicity for the program.

“(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; dedicated detention facilities; special measures to reduce driving with a suspended license; and assignment of treatment.

“(F) DRIVERS WITH HIGH BAC’S.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

“(G) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age

21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

“(H) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers at fault in fatal accidents.

“(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

“(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available.

“(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has

1 been lower than the average percentage for all
2 States in each of the calendar years referred to
3 in subparagraph (A).

4 “(4) BASIC GRANT AMOUNT.—The amount of a
5 basic grant made to a State for a fiscal year under
6 this subsection shall equal up to 30 percent of the
7 amount apportioned to the State for fiscal year 1997
8 under section 402 of this title.

9 “(e) DISCRETIONARY GRANTS.—

10 “(1) IN GENERAL.—Upon receiving an applica-
11 tion from a State, the Secretary may make grants
12 to the State for carrying out innovative programs
13 (other than the programs specified in subsection (d))
14 to reduce traffic safety problems resulting from indi-
15 viduals driving while under the influence of alcohol.
16 Such programs may seek to achieve such a reduction
17 through legal, judicial, enforcement, educational,
18 technological, or other approaches.

19 “(2) ELIGIBILITY.—A State shall be eligible to
20 receive a grant under this subsection in a fiscal year
21 only if the State is eligible to receive a grant under
22 subsection (d) in such fiscal year.

23 “(3) FUNDING.—Of the amounts made avail-
24 able to carry out this section, not to exceed 12 per-

1 cent shall be available for making grants under this
2 subsection.

3 “(f) ADMINISTRATIVE EXPENSES.—Funds author-
4 ized to be appropriated to carry out this section shall be
5 subject to a deduction not to exceed 5 percent for the nec-
6 essary costs of administering the provisions of this section.

7 “(g) APPLICABILITY OF CHAPTER 1.—

8 “(1) IN GENERAL.—Except as otherwise pro-
9 vided in this subsection, all provisions of chapter 1
10 of this title that are applicable to National Highway
11 System funds, other than provisions relating to the
12 apportionment formula and provisions limiting the
13 expenditure of such funds to Federal-aid highways,
14 shall apply to the funds authorized to be appro-
15 priated to carry out this section.

16 “(2) INCONSISTENT PROVISIONS.—If the Sec-
17 retary determines that a provision of chapter 1 of
18 this title is inconsistent with this section, such provi-
19 sion shall not apply to funds authorized to be appro-
20 priated to carry out this section.

21 “(3) CREDIT FOR STATE AND LOCAL EXPENDI-
22 TURES.—The aggregate of all expenditures made
23 during any fiscal year by a State and its political
24 subdivisions (exclusive of Federal funds) for carrying
25 out the State highway safety program under section

1 402 (other than planning and administration) shall
2 be available for the purpose of crediting such State
3 during such fiscal year for the non-Federal share of
4 the cost of any project under this section (other than
5 one for planning or administration) without regard
6 to whether such expenditures were actually made in
7 connection with such project.

8 “(4) INCREASED FEDERAL SHARE FOR CERTAIN
9 INDIAN TRIBE PROGRAMS.—In the case of an alco-
10 hol-impaired driving countermeasures program car-
11 ried out by an Indian tribe, if the Secretary is satis-
12 fied that an Indian tribe does not have sufficient
13 funds available to meet the non-Federal share of the
14 cost of such program, the Secretary may increase
15 the Federal share of the cost thereof payable under
16 this title to the extent necessary.

17 “(5) TREATMENT OF TERM ‘STATE HIGHWAY
18 DEPARTMENT’.—In applying provisions of chapter 1
19 in carrying out this section, the term ‘State highway
20 department’ as used in such provisions shall mean
21 the Governor of a State and, in the case of an In-
22 dian tribe program, the Secretary of the Interior.

23 “(h) DEFINITIONS.—In this section, the following
24 definitions apply:

1 “(1) ALCOHOLIC BEVERAGE.—The term ‘alco-
2 holic beverage’ has the meaning such term has
3 under section 158(c) of this title.

4 “(2) CONTROLLED SUBSTANCES.—The term
5 ‘controlled substances’ has the meaning such term
6 has under section 102(6) of the Controlled Sub-
7 stances Act (21 U.S.C. 802(6)).

8 “(3) MOTOR VEHICLE.—The term ‘motor vehi-
9 cle’ means a vehicle driven or drawn by mechanical
10 power and manufactured primarily for use on public
11 streets, roads, and highways, but does not include a
12 vehicle operated only on a rail line.”.

13 **SEC. 207. NATIONAL DRIVER REGISTER.**

14 (a) TRANSFER OF SELECTED FUNCTIONS TO NON-
15 FEDERAL MANAGEMENT.—Section 30302 of title 49,
16 United States Code, is amended by adding at the end the
17 following:

18 “(e) TRANSFER OF SELECTED FUNCTIONS TO NON-
19 FEDERAL MANAGEMENT.—

20 “(1) AGREEMENT.—The Secretary may enter
21 into an agreement with an organization that rep-
22 resents the interests of the States to manage, ad-
23 minister, and operate the National Driver Register’s
24 computer timeshare and user assistance functions. If
25 the Secretary decides to enter into such an agree-

1 ment, the Secretary shall ensure that the manage-
2 ment of these functions is compatible with this chap-
3 ter and the regulations issued to implement this
4 chapter.

5 “(2) REQUIRED DEMONSTRATION.—Any trans-
6 fer of the National Driver Register’s computer
7 timeshare and user assistance functions to an orga-
8 nization that represents the interests of the States
9 shall begin only after a determination is made by the
10 Secretary that all States are participating in the Na-
11 tional Driver Register’s ‘Problem Driver Pointer
12 System’ (the system used by the Register to effect
13 the exchange of motor vehicle driving records), and
14 that the system is functioning properly.

15 “(3) TRANSITION PERIOD.—Any agreement en-
16 tered into under this subsection shall include a pro-
17 vision for a transition period sufficient to allow the
18 States to make the budgetary and legislative changes
19 the States may need to pay fees charged by the or-
20 ganization representing their interests for their use
21 of the National Driver Register’s computer
22 timeshare and user assistance functions. During this
23 transition period, the Secretary shall continue to
24 fund these transferred functions.

1 “(4) FEES.—The total of the fees charged by
 2 the organization representing the interests of the
 3 States in any fiscal year for the use of the National
 4 Driver Register’s computer timeshare and user as-
 5 sistance functions shall not exceed the total cost to
 6 the organization of performing these functions in
 7 such fiscal year.

8 “(5) LIMITATION ON STATUTORY CONSTRU-
 9 TION.—Nothing in this subsection may be construed
 10 to diminish, limit, or otherwise affect the authority
 11 of the Secretary to carry out this chapter.”.

12 (b) ACCESS TO REGISTER INFORMATION.—

13 (1) CONFORMING AMENDMENTS.—Section
 14 30305(b) of title 49, United States Code, is amend-
 15 ed—

16 (A) in paragraph (2) by inserting before
 17 the period at the end the following: “, unless
 18 the information is about a revocation or suspen-
 19 sion still in effect on the date of the request”;

20 (B) in paragraph (8), as redesignated by
 21 section 207(b) of the Coast Guard Authoriza-
 22 tion Act of 1996 (Public Law 104–324, 110
 23 Stat. 3908)—

1 (i) by striking “paragraph (2)” and
2 inserting “subsection (a) of this section”;
3 and

4 (ii) by moving the text of such para-
5 graph 2 ems to the left; and

6 (C) by redesignating paragraph (8), as re-
7 designated by section 502(b)(1) of the Federal
8 Aviation Reauthorization Act of 1996 (Public
9 Law 104–264, 110 Stat. 3262), as paragraph
10 (9).

11 (2) FEDERAL AGENCY ACCESS PROVISION.—
12 Section 30305(b) of title 49, United States Code, is
13 further amended—

14 (A) by redesignating paragraph (6) as
15 paragraph (10) and inserting such paragraph
16 after paragraph (9);

17 (B) by inserting after paragraph (5) the
18 following:

19 “(6) The head of a Federal department or agency
20 that issues motor vehicle operator’s licenses may request
21 the chief driver licensing official of a State to obtain infor-
22 mation under subsection (a) of this section about an indi-
23 vidual applicant for a motor vehicle operator’s license from
24 such department or agency. The department or agency
25 may receive the information, provided it transmits to the

1 Secretary a report regarding any individual who is denied
 2 a motor vehicle operator's license by that department or
 3 agency for cause; whose motor vehicle operator's license
 4 is revoked, suspended, or canceled by that department or
 5 agency for cause; or about whom the department or agen-
 6 cy has been notified of a conviction of any of the motor
 7 vehicle-related offenses or comparable offenses listed in
 8 section 30304(a)(3) and over whom the department or
 9 agency has licensing authority. The report shall contain
 10 the information specified in section 30304(b)."; and

11 (C) by adding at the end the following:

12 “(11) The head of a Federal department or agency
 13 authorized to receive information regarding an individual
 14 from the Register under this section may request and re-
 15 ceive such information from the Secretary.”.

16 **SEC. 208. BLOWOUT RESISTANT TIRES.**

17 (a) STUDY.—The Secretary shall conduct a study on
 18 the benefit to public safety of the use of blowout resistant
 19 tires on commercial motor vehicles and the potential to
 20 decrease the incidence of accidents and fatalities from ac-
 21 cidents occurring as a result of blown out tires.

22 (b) REPORT.—Not later than 2 years after the date
 23 of the enactment of this Act, the Secretary shall transmit
 24 to Congress a report on the results of the study conducted
 25 under this section.

1 (c) LIMITATION ON FUNDING.—The Secretary may
2 not expend more than \$200,000 in conducting the study
3 under this section.

4 **SEC. 209. EFFECTIVENESS OF LAWS ESTABLISHING MAXI-**
5 **MUM BLOOD ALCOHOL CONCENTRATIONS.**

6 (a) STUDY.—The Comptroller General shall conduct
7 a study to evaluate the effectiveness of State laws that—

8 (1) deem any individual with a blood alcohol
9 concentration of 0.08 percent or greater while oper-
10 ating a motor vehicle to be driving while intoxicated;
11 and

12 (2) deem any individual under the age of 21
13 with a blood alcohol concentration of 0.02 percent or
14 greater while operating a motor vehicle to be driving
15 while intoxicated;

16 in reducing the number and severity of alcohol-involved
17 crashes.

18 (b) REPORT.—Not later than 2 years after the date
19 of the enactment of this Act, the Comptroller General shall
20 transmit to the Committee on Transportation and Infra-
21 structure of the House of Representatives and the Com-
22 mittee on Public Works and the Environment of the Sen-
23 ate a report containing the results of the study conducted
24 under this section.

1 **SEC. 210. AUTHORIZATIONS OF APPROPRIATIONS.**

2 The following sums are authorized to be appropriated
3 out of the Highway Trust Fund (other than the Mass
4 Transit Account):

5 (1) NHTSA HIGHWAY SAFETY PROGRAMS.—

6 For carrying out section 402 of title 23, United
7 States Code, by the National Highway Traffic Safe-
8 ty Administration \$128,200,000 for fiscal year
9 1998, \$150,700,000 for fiscal year 1999, and
10 \$195,700,000 for fiscal year 2000.

11 (2) FHWA HIGHWAY SAFETY PROGRAMS.—For

12 carrying out section 402 of title 23, United States
13 Code, by the Federal Highway Administration
14 \$12,000,000 for fiscal year 1998, \$20,000,000 for
15 fiscal year 1999, and \$25,000,000 for fiscal year
16 2000.

17 (3) NHTSA HIGHWAY SAFETY RESEARCH AND

18 DEVELOPMENT.—For carrying out section 403 of
19 such title by the National Highway Traffic Safety
20 Administration \$55,000,000 per fiscal year for fiscal
21 years 1998 through 2000.

22 (4) FHWA HIGHWAY SAFETY RESEARCH AND

23 DEVELOPMENT.—For carrying out section 403 of
24 such title by the Federal Highway Administration
25 \$20,000,000 per fiscal year for fiscal years 1998
26 through 2000.

1 (5) OCCUPANT PROTECTION INCENTIVE
2 GRANTS.—For carrying out section 405 of such title
3 \$9,000,000 for fiscal year 1998 and \$20,000,000
4 per fiscal year for fiscal years 1999 and 2000.

5 (6) STATE HIGHWAY SAFETY DATA GRANTS.—
6 For carrying out section 406 of such title
7 \$2,500,000 for fiscal year 1998 and \$12,000,000
8 per fiscal year for fiscal years 1999 and 2000.

9 (7) ALCOHOL TRAFFIC SAFETY INCENTIVE
10 GRANT PROGRAM.—For carrying out section 410 of
11 such title \$35,000,000 for fiscal year 1998 and
12 \$45,000,000 per fiscal year for fiscal years 1999
13 and 2000.

14 (8) NATIONAL DRIVER REGISTER.—For carry-
15 ing out chapter 303 of title 49, United States Code,
16 by the National Highway Traffic Safety Administra-
17 tion, \$2,300,000 per fiscal year for fiscal years 1998
18 through 2000.

19 **SEC. 211. TRANSPORTATION INJURY RESEARCH.**

20 (a) IN GENERAL.—The Secretary shall make grants
21 to establish and maintain a center for transportation in-
22 jury research at the State University of New York at Buf-
23 falo.

24 (b) FUNDING.—Of the amounts made available for
25 each of fiscal years 1998 through 2000 by section

1 127(a)(3)(H) of this Act, \$2,000,000 per fiscal year shall
 2 be available to carry out this section.

3 **TITLE III—FEDERAL TRANSIT** 4 **ADMINISTRATION PROGRAMS**

5 **SEC. 301. AMENDMENTS TO TITLE 49, UNITED STATES** 6 **CODE.**

7 Except as otherwise specifically provided, whenever in
 8 this title an amendment or repeal is expressed in terms
 9 of an amendment to, or repeal of, a section or other provi-
 10 sion of law, the reference shall be considered to be made
 11 to a section or other provision of title 49, United States
 12 Code.

13 **SEC. 302. DEFINITIONS.**

14 Section 5302 is amended to read as follows:

15 **“§ 5302. Definitions**

16 “(a) IN GENERAL.—In this chapter, the following
 17 definitions apply:

18 “(1) CAPITAL PROJECT.—The term ‘capital
 19 project’ means a project for—

20 “(A) acquiring, constructing, supervising,
 21 or inspecting equipment or a facility for use in
 22 mass transportation, expenses incidental to the
 23 acquisition or construction (including designing,
 24 engineering, location surveying, mapping, and
 25 acquiring rights of way), payments for the cap-

1 ital portions of rail trackage rights agreements,
2 transit-related intelligent transportation sys-
3 tems, relocation assistance, acquiring replace-
4 ment housing sites, and acquiring, constructing,
5 relocating, and rehabilitating replacement hous-
6 ing;

7 “(B) rehabilitating a bus;

8 “(C) remanufacturing a bus;

9 “(D) overhauling rail rolling stock;

10 “(E) preventive maintenance;

11 “(F) leasing equipment or a facility for use
12 in mass transportation subject to regulations
13 the Secretary prescribes limiting the leasing ar-
14 rangements to those that are more cost-effective
15 than acquisition or construction; or

16 “(G) a mass transportation improvement
17 that enhances economic development or incor-
18 porates private investment (including commer-
19 cial and residential development and pedestrian
20 and bicycle access to a mass transportation fa-
21 cility) because the improvement—

22 “(i) enhances the effectiveness of a
23 mass transportation project and is related
24 physically or functionally to that mass
25 transportation project or establishes new

1 or enhanced coordination between mass
2 transportation and other transportation;
3 and

4 “(ii) provides a fair share of revenue
5 for mass transportation that will be used
6 for mass transportation.

7 “(2) CHIEF EXECUTIVE OFFICER OF A
8 STATE.—The term ‘chief executive officer of a State’
9 includes the designee of the chief executive officer.

10 “(3) EMERGENCY REGULATION.—The term
11 ‘emergency regulation’ means a regulation—

12 “(A) that is effective temporarily before
13 the expiration of the otherwise specified periods
14 of time for public notice and comment under
15 section 5334(b) of this title; and

16 “(B) prescribed by the Secretary of Trans-
17 portation as the result of a finding that a delay
18 in the effective date of the regulation—

19 “(i) would injure seriously an impor-
20 tant public interest;

21 “(ii) would frustrate substantially leg-
22 islative policy and intent; or

23 “(iii) would damage seriously a person
24 or class without serving an important pub-
25 lic interest.

1 “(4) FIXED GUIDEWAY.—The term ‘fixed
2 guideway’ means a mass transportation facility—

3 “(A) using and occupying a separate right
4 of way or rail for the exclusive use of mass
5 transportation and other high occupancy vehi-
6 cles; or

7 “(B) using a fixed catenary system and a
8 right of way usable by other forms of transpor-
9 tation.

10 “(5) HANDICAPPED INDIVIDUAL.—The term
11 ‘handicapped individual’ means an individual who,
12 because of illness, injury, age, congenital malfunc-
13 tion, or other incapacity or temporary or permanent
14 disability (including an individual who is a wheel-
15 chair user or has semiambulatory capability), cannot
16 use effectively, without special facilities, planning, or
17 design, mass transportation service or a mass trans-
18 portation facility.

19 “(6) LOCAL GOVERNMENTAL AUTHORITY.—The
20 term ‘local governmental authority’ includes—

21 “(A) a political subdivision of a State;

22 “(B) an authority of at least one State or
23 political subdivision of a State;

24 “(C) an Indian tribe; and

1 “(D) a public corporation, board, or com-
2 mission established under the laws of a State.

3 “(7) MASS TRANSPORTATION.—The term ‘mass
4 transportation’ means transportation by a convey-
5 ance that provides regular and continuing general or
6 special transportation to the public, but does not in-
7 clude schoolbus, charter, or sightseeing transpor-
8 tation.

9 “(8) NET PROJECT COST.—The term ‘net
10 project cost’ means the part of a project that reason-
11 ably cannot be financed from revenues.

12 “(9) NEW BUS MODEL.—The term ‘new bus
13 model’ means a bus model (including a model using
14 alternative fuel)—

15 “(A) that has not been used in mass trans-
16 portation in the United States before the date
17 of production of the model; or

18 “(B) used in mass transportation in the
19 United States but being produced with a major
20 change in configuration or components.

21 “(10) PREVENTIVE MAINTENANCE.—The term
22 ‘preventive maintenance’ means a major activity in-
23 tended to improve or upgrade a transit vehicle or fa-
24 cility or repair or replace a damaged, malfunction-
25 ing, overaged, or outmoded transit vehicle or facility

1 system, subsystem, element, or component. Such
2 term does not include any activity of a routine or
3 servicing nature, such as checking and replenishing
4 fluid levels, adjusting settings on otherwise properly
5 operating components, washing and cleaning a tran-
6 sit vehicle or facility, changing tires and wheels, or
7 repairing damage to a vehicle or facility caused by
8 an accident.

9 “(11) PUBLIC TRANSPORTATION.—The term
10 ‘public transportation’ means mass transportation.

11 “(12) REGULATION.—The term ‘regulation’
12 means any part of a statement of general or particu-
13 lar applicability of the Secretary of Transportation
14 designed to carry out, interpret, or prescribe law or
15 policy in carrying out this chapter.

16 “(13) STATE.—The term ‘State’ means a State
17 of the United States, the District of Columbia, Puer-
18 to Rico, the Northern Mariana Islands, Guam,
19 American Samoa, and the Virgin Islands.

20 “(14) TRANSIT.—The term ‘transit’ means
21 mass transportation.

22 “(15) TRANSIT ENHANCEMENT.—The term
23 ‘transit enhancement’ means with respect to any
24 project or an area to be served by the project, his-
25 toric preservation, rehabilitation, and operation of

1 historic mass transportation buildings, structures,
2 and facilities (including historic railroad facilities
3 and canals); projects that enhance transit safety and
4 security; landscaping and other scenic beautification
5 and art in and around mass transportation stations,
6 facilities, bus shelters, bridges, and buses; bicycle
7 and pedestrian access to mass transportation, in-
8 cluding bicycle storage facilities and installing equip-
9 ment for transporting bicycles on mass transpor-
10 tation vehicles; projects that enhance access for the
11 disabled to mass transportation; and archaeological
12 planning and research related to mass transpor-
13 tation projects.

14 “(16) URBAN AREA.—The term ‘urban area’
15 means an area that includes a municipality or other
16 built-up place that the Secretary of Transportation,
17 after considering local patterns and trends of urban
18 growth, decides is appropriate for a local mass
19 transportation system to serve individuals in the lo-
20 cality.

21 “(17) URBANIZED AREA.—The term ‘urbanized
22 area’ means an area—

23 “(A) encompassing at least an urbanized
24 area within a State that the Secretary of Com-
25 merce designates; and

1 “(B) designated as an urbanized area
2 within boundaries fixed by State and local offi-
3 cials and approved by the Secretary of Trans-
4 portation.

5 “(b) AUTHORITY TO MODIFY ‘HANDICAPPED INDIVIDUAL’.—The Secretary of Transportation by regulation
6 may modify the definition of subsection (a)(5) as it applies
7 to section 5307(d)(1)(D) of this title.”.

9 **SEC. 303. METROPOLITAN PLANNING.**

10 (a) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 5303(b) is amended to read as follows:

12 “(b) GOALS AND OBJECTIVES OF PLANNING PROCESS.—

14 “(1) CONSIDERATION.—To the extent that the
15 metropolitan planning organization determines appropriate, the metropolitan transportation planning
16 process may include consideration of goals and objectives that—

19 “(A) support the economic vitality of the
20 metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

22 “(B) increase the safety and security of
23 the transportation system;

24 “(C) increase the accessibility and mobility
25 for people and freight;

1 “(D) protect and enhance the environment,
2 conserve energy, and enhance quality of life;

3 “(E) enhance the integration and
4 connectivity of the transportation system,
5 across and between modes, for people and
6 freight;

7 “(F) promote efficient system utilization
8 and operation; and

9 “(G) preserve the existing transportation
10 system.

11 “(2) CONVERSION TO GOALS AND OBJEC-
12 TIVES.—The metropolitan planning organization
13 shall cooperatively determine with the State and
14 mass transportation operators how the consider-
15 ations listed in paragraph (1) are translated into
16 metropolitan goals and objectives and how they are
17 factored into decision making.”.

18 (b) LONG RANGE TRANSPORTATION PLAN.—Section
19 5303(f) is amended—

20 (1) in paragraph (1) by inserting “transpor-
21 tation” after “long-range”;

22 (2) in paragraph (1) by striking “at least
23 shall—” and inserting “shall contain, at a minimum,
24 the following:”;

1 (3) in paragraph (1)(A) by striking “identify”
2 and inserting “An identification of”;

3 (4) by striking paragraph (1)(B) and inserting
4 the following:

5 “(B) A financial plan that demonstrates
6 how the adopted transportation plan can be im-
7 plemented, indicates resources from public and
8 private sources that are reasonably expected to
9 be made available to carry out the plan and rec-
10 ommends any additional financing strategies for
11 needed projects and programs. The financial
12 plan may include, for illustrative purposes, ad-
13 ditional projects that would be included in the
14 adopted transportation plan if reasonable addi-
15 tional resources beyond those identified in the
16 financial plan were available. For the purpose
17 of developing the transportation plan, the met-
18 ropolitan planning organization and State shall
19 cooperatively develop estimates of funds that
20 will be available to support plan implementa-
21 tion.”;

22 (5) in paragraph (1)(C) by striking “assess”
23 and inserting “An assessment of”;

1 (6) in paragraph (4) by inserting after “em-
2 ployees,” the following: “freight shippers and provid-
3 ers of freight transportation services,”; and

4 (7) in paragraph (5) by inserting “transporta-
5 tion” before “plan”.

6 **SEC. 304. TRANSPORTATION IMPROVEMENT PROGRAM.**

7 Section 5304 is amended—

8 (1) in subsection (a) by striking “2 years” and
9 inserting “3 years”; and

10 (2) in subsection (b)(2)—

11 (A) by striking “and” at the end of sub-
12 paragraph (B);

13 (B) by striking the period at the end of
14 subparagraph (C) and inserting “; and”;

15 (C) by adding at the end the following:

16 “(D) may include, for illustrative purposes,
17 additional projects that would be included in
18 the adopted transportation plan if reasonable
19 additional resources beyond those identified in
20 the financial plan were available.”.

21 **SEC. 305. TRANSPORTATION MANAGEMENT AREAS.**

22 Section 5305 is amended—

23 (1) in subsection (c) by striking “shall” and in-
24 serting “may”; and

1 (2) in subsection (d)(1) by striking “of the Na-
 2 tional Highway System” each place it appears and
 3 inserting the following: “under the National High-
 4 way System and high risk road safety programs,”.

5 **SEC. 306. URBANIZED AREA FORMULA GRANTS.**

6 (a) SECTION HEADING.—

7 (1) AMENDMENT TO SECTION.—Section 5307 is
 8 amended by striking the section heading and insert-
 9 ing the following:

10 **“§ 5307. Urbanized area formula grants”.**

11 (2) CONFORMING AMENDMENT.—The item re-
 12 lating to section 5307 in the table of sections for
 13 chapter 53 is amended to read as follows:

“5307. Urbanized area formula grants.”.

14 (b) DEFINITIONS.—Section 5307(a) is amended—

15 (1) by striking “In this section” and inserting
 16 “In this section, the following definitions apply:”;

17 (2) by inserting “ASSOCIATED CAPITAL MAIN-
 18 TENANCE ITEMS.—The term” after “(1)”;

19 (3) by inserting “DESIGNATED RECIPIENT.—
 20 The term” after “(2)”.

21 (c) GENERAL AUTHORITY.—Section 5307(b) is
 22 amended—

23 (1) in paragraph (1)—

1 (A) by striking “, improvement, and oper-
2 ating costs” and inserting “and improvement
3 costs”; and

4 (B) by adding at the end the following new
5 sentence: “In an urbanized area with a popu-
6 lation of less than 200,000, the Secretary may
7 also make grants under this section to finance
8 the operating cost of equipment and facilities
9 for use in mass transportation.”;

10 (2) by striking paragraphs (3) and (5); and

11 (3) redesignating paragraph (4) as paragraph
12 (3).

13 (d) ADVANCE CONSTRUCTION.—Section 5307(g)(3)
14 is amended by striking “the amount by which” and all
15 that follows through the period at the end and inserting
16 “the most favorable financing terms reasonably available
17 for the project at the time of borrowing. The applicant
18 shall certify, in a manner satisfactory to the Secretary,
19 that the applicant has shown reasonable diligence in seek-
20 ing the most favorable financing terms.”.

21 (e) COORDINATION OF REVIEWS.—Section
22 5307(i)(2) is amended by adding at the end the following:
23 “To the extent practicable, the Secretary shall coordinate
24 such reviews with any related State or local reviews.”.

1 (f) TRANSIT ENHANCEMENT ACTIVITIES.—Section
2 5307(k) is amended to read as follows:

3 “(k) TRANSIT ENHANCEMENT ACTIVITIES.—2 per-
4 cent of the funds apportioned to urbanized areas of at
5 least 200,000 population under section 5336 for a fiscal
6 year shall only be available for transit enhancement activi-
7 ties.”.

8 (g) CONFORMING AMENDMENTS.—Section 5307(n) is
9 amended—

10 (1) by striking “(1)” the first place it appears
11 and all that follows through “(2)”;

12 (2) by inserting “5319,” after “5318,”.

13 **SEC. 307. MASS TRANSIT ACCOUNT BLOCK GRANTS.**

14 Section 5308, and the item relating to section 5308
15 in the table of sections for chapter 53, are repealed.

16 **SEC. 308. CAPITAL PROGRAM GRANTS AND LOANS.**

17 (a) SECTION HEADING.—Section 5309 is amended in
18 the section heading by striking “**Discretionary**” and
19 inserting “**Capital program**”.

20 (b) CONFORMING AMENDMENT.—The item relating
21 to section 5309 in the table of sections for chapter 53 is
22 amended by striking “Discretionary” and inserting “Cap-
23 ital program”.

24 (c) GENERAL AUTHORITY.—Section 5309(a) is
25 amended—

1 (1) by striking subparagraph (E) and inserting
2 the following:

3 “(E) capital projects to modernize existing fixed
4 guideway systems;”;

5 (2) by striking “and” at the end of paragraph
6 (1)(F);

7 (3) by striking the period at the end of para-
8 graph (1)(G) and inserting “; and”; and

9 (4) by inserting after paragraph (1)(G) the fol-
10 lowing:

11 “(H) capital projects to replace, rehabilitate,
12 and purchase buses and related equipment and to
13 construct bus-related facilities.”.

14 (d) CONSIDERATION OF DECREASED COMMUTER
15 RAIL TRANSPORTATION.—Section 5309(c) is repealed.

16 (e) CRITERIA FOR GRANTS AND LOANS FOR FIXED
17 GUIDEWAY SYSTEMS.—Section 5309(e) is amended to
18 read as follows:

19 “(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED
20 GUIDEWAY SYSTEMS.—

21 “(1) IN GENERAL.—The Secretary of Transpor-
22 tation may approve a grant or loan under this sec-
23 tion for a capital project for a new fixed guideway
24 system or extension of an existing fixed guideway

1 system only if the Secretary determines that the pro-
2 posed project is—

3 “(A) based on the results of an alter-
4 natives analysis and preliminary engineering;

5 “(B) justified based on a comprehensive
6 review of its mobility improvements, environ-
7 mental benefits, cost effectiveness, and operat-
8 ing efficiencies; and

9 “(C) supported by an acceptable degree of
10 local financial commitment, including evidence
11 of stable and dependable financing sources to
12 construct, maintain, and operate the system or
13 extension.

14 “(2) ALTERNATIVES ANALYSIS AND PRELIMI-
15 NARY ENGINEERING.—In evaluating a project under
16 paragraph (1)(A), the Secretary shall analyze and
17 consider the results of the alternatives analysis and
18 preliminary engineering for the project.

19 “(3) PROJECT JUSTIFICATION.—In evaluating a
20 project under paragraph (1)(B), the Secretary
21 shall—

22 “(A) consider the direct and indirect costs
23 of relevant alternatives;

24 “(B) consider factors such as congestion
25 relief, improved mobility, air pollution, noise

1 pollution, energy consumption, and all associ-
2 ated ancillary and mitigation costs necessary to
3 carry out each alternative analyzed;

4 “(C) identify and consider existing mass
5 transportation supportive land use policies and
6 future land use patterns and the costs of urban
7 sprawl;

8 “(D) consider the degree to which the
9 project increases the mobility of the mass trans-
10 portation dependent population or promotes
11 economic development;

12 “(E) consider population density, current
13 transit ridership in the corridor, and cost per
14 new rider;

15 “(F) consider the technical capability of
16 the grant recipient to construct the project;

17 “(G) adjust the project justification to re-
18 flect differences in local land, construction, and
19 operating costs; and

20 “(H) consider other factors the Secretary
21 determines appropriate to carry out this chap-
22 ter.

23 “(4) LOCAL FINANCIAL COMMITMENT.—

1 “(A) EVALUATION OF PROJECT.—In evalu-
2 ating a project under paragraph (1)(C), the
3 Secretary shall require that—

4 “(i) the proposed project plan pro-
5 vides for the availability of contingency
6 amounts the Secretary determines to be
7 reasonable to cover unanticipated cost in-
8 creases;

9 “(ii) each proposed local source of
10 capital and operating financing is stable,
11 reliable, and available within the proposed
12 project timetable; and

13 “(iii) local resources are available to
14 operate the overall proposed mass trans-
15 portation system (including essential feeder
16 bus and other services necessary to achieve
17 the projected ridership levels) without re-
18 quiring a reduction in existing mass trans-
19 portation services to operate the proposed
20 project.

21 “(B) STABILITY, RELIABILITY, AND AVAIL-
22 ABILITY OF LOCAL FINANCING.—In assessing
23 the stability, reliability, and availability of pro-
24 posed sources of local financing for the project,
25 the Secretary shall consider—

1 “(i) existing grant commitments;

2 “(ii) the degree to which financing
3 sources are dedicated to the purposes pro-
4 posed;

5 “(iii) any debt obligation that exists
6 or is proposed by the recipient for the pro-
7 posed project or other mass transportation
8 purpose; and

9 “(iv) the extent to which the project
10 has a local financial commitment that ex-
11 ceeds the required non-Federal share of
12 the cost of the project.

13 “(5) REGULATIONS.—No later than 120 days
14 after the date of the enactment of the Building Effi-
15 cient Surface Transportation and Equity Act of
16 1997, the Secretary shall issue regulations on how
17 the Secretary will evaluate and rate the projects
18 based on the results of alternatives analysis, project
19 justification, and the degree of local financial com-
20 mitment as required under this subsection.

21 “(6) PROJECT EVALUATION AND RATING.—A
22 proposed project may advance from alternatives
23 analysis to preliminary engineering, and may ad-
24 vance from preliminary engineering to final design
25 and construction, only if the Secretary finds that the

1 project meets the requirements of this section and
2 there is a reasonable likelihood that the project will
3 continue to meet such requirements. In making such
4 findings, the Secretary shall evaluate and rate the
5 project as either highly recommended, recommended,
6 or not recommended based on the results of alter-
7 natives analysis, the project justification criteria,
8 and the degree of local financial commitment as re-
9 quired under this subsection. In rating the projects,
10 the Secretary shall provide, in addition to the overall
11 project rating, individual ratings for each criteria es-
12 tablished under the regulations issued under para-
13 graph (5).

14 “(7) FULL FUNDING GRANT AGREEMENT.—A
15 project financed under this subsection shall be car-
16 ried out through a full funding grant agreement.
17 The Secretary shall enter into a full funding grant
18 agreement based on the evaluations and ratings re-
19 quired under this subsection. The Secretary shall not
20 enter into a full funding grant agreement for a
21 project unless that project is authorized for final de-
22 sign and construction.

23 “(8) LIMITATIONS ON APPLICABILITY.—

24 “(A) PROJECTS WITH A SECTION 5309
25 FEDERAL SHARE OF LESS THAN \$25,000,000.—A

1 project for a new fixed guideway system or ex-
2 tension of an existing fixed guideway system is
3 not subject to the requirements of this sub-
4 section, and the simultaneous evaluation of
5 similar projects in at least 2 corridors in a met-
6 ropolitan area may not be limited, if the assist-
7 ance provided under this section with respect to
8 the project is less than \$25,000,000.

9 “(B) PROJECTS IN NONATTAINMENT
10 AREAS.—The simultaneous evaluation of
11 projects in at least 2 corridors in a metropoli-
12 tan area may not be limited and the Secretary
13 shall make decisions under this subsection with
14 expedited procedures that will promote carrying
15 out an approved State Implementation Plan in
16 a timely way if a project is—

17 “(i) located in a nonattainment area;

18 “(ii) a transportation control measure
19 (as defined by the Clean Air Act (42
20 U.S.C. 7401 et seq.)); and

21 “(iii) required to carry out the State
22 Implementation Plan.

23 “(C) PROJECTS FINANCED WITH HIGHWAY
24 FUNDS.—This subsection does not apply to a
25 project financed completely with amounts made

1 available from the Highway Trust Fund (other
2 than the Mass Transit Account).

3 “(D) PREVIOUSLY ISSUED LETTER OF IN-
4 TENT OR FULL FUNDING GRANT AGREE-
5 MENT.—This subsection does not apply to
6 projects for which the Secretary has issued a
7 letter of intent or entered into a full funding
8 grant agreement before the date of the enact-
9 ment of this subparagraph.”.

10 (f) LETTERS OF INTENT AND FULL FUNDING GRANT
11 AGREEMENTS.—Section 5309(g) is amended—

12 (1) in the subsection heading by striking “FI-
13 NANCING” and inserting “FUNDING”;

14 (2) by striking “full financing” each place it ap-
15 pears and inserting “full funding”;

16 (3) in paragraph (1)(B)—

17 (A) by striking “30 days” and inserting
18 “60 days”;

19 (B) by inserting before the first comma
20 “or entering into a full funding grant agree-
21 ment”; and

22 (C) by striking “issuance of the letter.”
23 and inserting “letter or agreement. The Sec-
24 retary shall include with the notification a copy
25 of the proposed letter or agreement as well as

1 the evaluations and ratings for the project.”;
 2 and

3 (4) in paragraph (2) by striking “full financ-
 4 ing” each place it appears and inserting “full fund-
 5 ing”.

6 (g) ALLOCATING AMOUNTS.—Section 5309(m) is
 7 amended to read as follows:

8 “(m) ALLOCATING AMOUNTS.—

9 “(1) IN GENERAL.—Of the amounts made
 10 available by section 5338(b) for grants and loans
 11 under this section for each of fiscal years 1998,
 12 1999, and 2000—

13 “(A) 40 percent shall be available for fixed
 14 guideway modernization;

15 “(B) 40 percent shall be available for cap-
 16 ital projects for new fixed guideway systems
 17 and extensions to existing fixed guideway sys-
 18 tems; and

19 “(C) 20 percent shall be available to re-
 20 place, rehabilitate, and buy buses and related
 21 equipment and to construct bus-related facili-
 22 ties.

23 “(2) LIMITATION ON AMOUNTS AVAILABLE FOR
 24 ACTIVITIES OTHER THAN FINAL DESIGN AND CON-
 25 STRUCTION.—Not more than 8 percent of the

1 amounts made available in each fiscal year by para-
2 graph (1)(B) shall be available for activities other
3 than final design and construction.

4 “(3) BUS AND BUS FACILITY GRANTS.—

5 “(A) CONSIDERATION.—In making grants
6 under paragraph (1)(C), the Secretary shall
7 consider the age of buses, bus fleets, related
8 equipment, and bus-related facilities.

9 “(B) FUNDING FOR BUS TESTING FACIL-
10 ITY.—Of the amounts made available by para-
11 graph (1)(C), \$3,000,000 shall be available in
12 each of fiscal years 1998, 1999, and 2000 to
13 carry out section 5318.

14 “(C) FUNDING FOR BUS TECHNOLOGY
15 PILOT PROGRAM.—Of the funds made available
16 by paragraph (1)(C), 10 percent shall be avail-
17 able in each of fiscal years 1998, 1999, and
18 2000 to carry out the bus technology pilot pro-
19 gram under subsection (o).

20 “(D) OTHER THAN URBANIZED AREAS.—
21 Of amounts made available by paragraph
22 (1)(C), not less than 5.5 percent shall be avail-
23 able in each fiscal year for other than urbanized
24 areas.

1 “(4) ELIGIBILITY FOR ASSISTANCE FOR MUL-
 2 TIPLE PROJECTS.—A person applying for, or receiv-
 3 ing, assistance for a project described in clause (A),
 4 (B), or (C) of paragraph (1) may receive assistance
 5 for a project described in another of those clauses.”.

6 (h) ADVANCE CONSTRUCTION.—Section 5309(n)(2)
 7 is amended by striking “in a way” and inserting “in a
 8 manner”.

9 (i) CONFORMING AMENDMENTS.—

10 (1) RELOCATION OF SUBSECTION.—Section
 11 5309 is amended—

12 (A) by striking subsection (f); and

13 (B) by redesignating subsections (g)
 14 through (o) as subsections (f) through (n), re-
 15 spectively.

16 (2) CROSS REFERENCES.—Chapter 53 is
 17 amended—

18 (A) in section 5319 by striking “5309(h)
 19 and inserting “5309(g)”;

20 (B) in section 5328(a)(2) by striking
 21 “5309(e)(1)–(6) of this title” and inserting
 22 “5309(e)”;

23 (C) in section 5328(a)(4) by striking
 24 “5309(m)(2) of this title” and inserting
 25 “5309(o)(1)”.

1 (3) REFERENCES TO FULL FUNDING GRANT
2 AGREEMENTS.—Sections 5320 and 5328(a)(4) are
3 each amended by striking “full financing” and in-
4 serting “full funding”. The subsection heading for
5 section 5320(e) is amended by striking “FINANC-
6 ING” and inserting “FUNDING”.

7 (j) BUS TECHNOLOGY PILOT PROGRAM.—Section
8 5309 is further amended by adding at the end the follow-
9 ing:

10 “(o) BUS TECHNOLOGY PILOT PROGRAM.—

11 “(1) ESTABLISHMENT.—The Secretary shall es-
12 tablish a pilot program for the testing and deploy-
13 ment of new bus technology, including clean fuel and
14 alternative fuel technology.

15 “(2) PROJECTS.—Under the pilot program, the
16 Secretary shall carry out projects for testing and de-
17 ployment of new bus technology, including clean fuel
18 and alternative fuel technology. The Secretary shall
19 select projects for funding under the pilot program
20 that will employ a variety of technologies and will be
21 performed in a variety of geographic areas of the
22 country with populations under 50,000, between
23 50,000 and 200,000, and over 200,000.

24 “(3) REPORT.—Not later than April 30, 2000,
25 the Secretary shall transmit to the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives and the Committee on Banking,
3 Housing, and Urban Affairs of the Senate a report
4 on the results of the pilot program, including a de-
5 scription of the projects carried out, the amounts ob-
6 ligated, and the status of the test and deployment
7 activities undertaken.”.

8 (k) REPORTS.—Section 5309 is further amended by
9 adding at the end the following:

10 “(p) REPORTS.—

11 “(1) FUNDING LEVELS AND ALLOCATIONS OF
12 FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

13 “(A) ANNUAL REPORT.—Not later than
14 the first Monday in February of each year, the
15 Secretary shall submit to the Committee on
16 Transportation and Infrastructure of the House
17 of Representatives and the Committee on Bank-
18 ing, Housing, and Urban Affairs of the Senate
19 a report that includes a proposal on the alloca-
20 tion of amounts to be made available to finance
21 grants and loans for capital projects for new
22 fixed guideway systems and extensions to exist-
23 ing fixed guideway systems among applicants
24 for those amounts.

1 “(B) RECOMMENDATIONS ON FUNDING.—

2 The annual report under this paragraph shall
3 include evaluations and ratings, as required
4 under subsection (e), for each project that is
5 authorized or has received funds under this sec-
6 tion since the date of the enactment of this Act
7 or October 1 of the preceding fiscal year, which-
8 ever date is earlier. The report shall also in-
9 clude recommendations of projects for funding
10 based on the evaluations and ratings and on ex-
11 isting commitments and anticipated funding
12 levels for the next 3 fiscal years and for the
13 next 10 fiscal years based on information cur-
14 rently available to the Secretary.

15 “(2) SUPPLEMENTAL REPORT ON NEW
16 STARTS.—The Secretary shall submit a report to
17 Congress on the 31st day of August of each year
18 that describes the Secretary’s evaluation and rating
19 of each project that has completed alternatives anal-
20 ysis or preliminary engineering since the date of the
21 last report. The report shall include all relevant in-
22 formation that supports the evaluation and rating of
23 each project, including a summary of each project’s
24 financial plan.

1 “(3) ANNUAL GAO REVIEW.—the General Ac-
2 counting Office shall—

3 “(A) conduct an annual review of—

4 “(i) the processes and procedures for
5 evaluating and rating projects and rec-
6 ommending projects; and

7 “(ii) the Secretary’s implementation
8 of such processes and procedures; and

9 “(B) shall report to Congress on the re-
10 sults of such review by April 30 of each year.”.

11 (l) PROJECT DEFINED.—Section 5309 is further
12 amended by adding at the end the following:

13 “(q) PROJECT DEFINED.—In this section, the term
14 ‘project’ means, with respect to a new fixed guideway sys-
15 tem or extension to an existing fixed guideway system, a
16 minimum operable segment of the project.”.

17 **SEC. 309. FORMULA GRANTS AND LOANS FOR SPECIAL**
18 **NEEDS OF ELDERLY INDIVIDUALS AND INDI-**
19 **VIDUALS WITH DISABILITIES.**

20 (a) SECTION HEADING.—Section 5310 is amended in
21 the section heading by inserting “**formula**” before
22 “**grants**”.

23 (b) CONFORMING AMENDMENT.—The item relating
24 to section 5310 in the table of sections for chapter 53 is
25 amended by inserting “formula” before “grants”.

1 **SEC. 310. FORMULA PROGRAM FOR OTHER THAN URBAN-**
 2 **IZED AREAS.**

3 (a) INTERCITY BUS TRANSPORTATION.—Section
 4 5311 is amended—

5 (1) in the section heading by striking “**finan-**
 6 **cial assistance**” and inserting “**formula**
 7 **grants**”; and

8 (2) in subsection (f)(1) by striking “10 percent
 9 of the amount made available in the fiscal year end-
 10 ing September 30, 1993, and”.

11 (b) CONFORMING AMENDMENT.—The item relating
 12 to section 5310 in the table of sections for chapter 53 is
 13 amended by striking “Financial assistance” and inserting
 14 “Formula grant”.

15 **SEC. 311. RESEARCH, DEVELOPMENT, DEMONSTRATION,**
 16 **AND TRAINING PROJECTS.**

17 (a) IN GENERAL.—Section 5312 is amended—

18 (1) in each of subsections (a) and (b) by strik-
 19 ing the first parenthetical phrase; and

20 (2) by adding at the end the following:

21 “(d) JOINT PARTNERSHIPS FOR DEPLOYMENT OF
 22 INNOVATION.—

23 “(1) CONSORTIUM DEFINED.—In this sub-
 24 section, the term “consortium” means one or more
 25 public or private organizations located in the United
 26 States which provide mass transportation service to

1 the public and one or more businesses, including
2 small and medium sized businesses, incorporated in
3 a State, offering goods or services or willing to offer
4 goods or services to mass transportation operators.
5 It may include as additional members public or pri-
6 vate research organizations located in the United
7 States, or State or local governmental authorities.

8 “(2) GRANTS AND AGREEMENTS.—The Sec-
9 retary may make grants and enter into contracts,
10 cooperative agreements, and other agreements with
11 consortia selected competitively from among public
12 and private partnerships to promote the early de-
13 ployment of innovation in mass transportation tech-
14 nology, services, management, or operational prac-
15 tices. Any such grant, contract, or agreement shall
16 provide for the sharing of costs, risks, and rewards
17 of early deployment of innovation. Such grants, con-
18 tracts, and agreements shall be subject to such
19 terms and conditions as the Secretary prescribes.

20 “(3) CONSULTATION REQUIREMENT.—This
21 subsection shall be carried out in consultation with
22 the transit industry.

23 “(4) COST SHARING.—Any consortium that re-
24 ceives a grant or enters into a contract or agreement
25 under this subsection shall provide at least 50 per-

1 cent of the cost of any joint partnership project. Any
2 business, organization, person, or governmental body
3 may contribute funds to such project.

4 “(5) PUBLIC NOTICE.—The Secretary shall pe-
5 riodically give public notice of—

6 “(A) the technical areas for which joint
7 partnerships are solicited under this subsection;

8 “(B) required qualifications of consortia
9 desiring to participate in such partnerships;

10 “(C) the method of selection and evalua-
11 tion criteria to be used in selecting participating
12 consortia and projects under this subsection;
13 and

14 “(D) the process by which projects will be
15 awarded under this subsection.

16 “(6) ACCEPTANCE OF REVENUES.—The Sec-
17 retary may accept a portion of the revenues result-
18 ing from sales of an innovation supported under this
19 subsection and deposit any revenues accepted into a
20 special account of the Treasury of the United States
21 to be established for purposes of carrying out this
22 subsection.

23 “(e) INTERNATIONAL MASS TRANSPORTATION PRO-
24 GRAM.—

1 “(1) ACTIVITIES.—The Secretary is authorized
2 to engage in activities to inform the United States
3 domestic mass transportation community about tech-
4 nological innovations available in the international
5 marketplace and activities that may afford domestic
6 businesses the opportunity to become globally com-
7 petitive in the export of mass transportation prod-
8 ucts and services. These activities may include—

9 “(A) development, monitoring, assessment,
10 and dissemination domestically of information
11 about worldwide mass transportation market
12 opportunities;

13 “(B) cooperation with foreign public sector
14 entities in research, development, demonstra-
15 tion, training, and other forms of technology
16 transfer and exchange of experts and informa-
17 tion;

18 “(C) advocacy, in international mass trans-
19 portation markets, of firms, products, and serv-
20 ices available from the United States;

21 “(D) informing the international market
22 about the technical quality of mass transpor-
23 tation products and services through participa-
24 tion in seminars, expositions, and similar activi-
25 ties; and

1 “(E) offering those Federal Transit Ad-
2 ministration technical services which cannot be
3 readily obtained from the United States private
4 sector to foreign public authorities planning or
5 undertaking mass transportation projects if the
6 cost of these services will be recovered under
7 the terms of each project.

8 “(2) COOPERATION.—The Secretary may carry
9 out activities under this subsection in cooperation
10 with other Federal agencies, State or local agencies,
11 public and private nonprofit institutions, government
12 laboratories, foreign governments, or any other orga-
13 nization the Secretary determines is appropriate.

14 “(3) FUNDING.—The funds available to carry
15 out this subsection shall include funds paid to the
16 Secretary by any cooperating organization or person
17 and shall be deposited by the Secretary in a special
18 account in the Treasury of the United States to be
19 established for purposes of carrying out this sub-
20 section. The funds shall be available for promotional
21 materials, travel, reception, and representation ex-
22 penses necessary to carry out the activities author-
23 ized by this subsection. Reimbursement for services
24 provided under this subsection shall be credited to
25 the appropriation account concerned.”.

1 (b) MASS TRANSPORTATION TECHNOLOGY DEVEL-
2 OPMENT AND DEPLOYMENT.—

3 (1) GENERAL AUTHORITY.—The Secretary may
4 make grants and enter into contracts, cooperative
5 agreements, and other agreements with eligible con-
6 sortia to promote the development and early deploy-
7 ment of innovation in mass transportation tech-
8 nology, services, management, or operational prac-
9 tices. The Secretary shall coordinate activities under
10 this section with related activities under programs of
11 other Federal departments and agencies.

12 (2) ELIGIBILITY CRITERIA.—To be qualified to
13 receive funding under this section, an eligible consor-
14 tium shall—

15 (A) be organized for the purpose of design-
16 ing, developing, and deploying advanced mass
17 transportation technologies that address identi-
18 fied technological impediments in the mass
19 transportation field;

20 (B) have an established mechanism for de-
21 signing, developing, and deploying advanced
22 mass transportation technologies as evidenced
23 by participation in a Federal program such as
24 the consortia funded pursuant to Public Law
25 102–396;

1 (C) facilitate the participation in the con-
2 sortium of small- and medium-sized businesses
3 in conjunction with large established manufac-
4 turers, as appropriate;

5 (D) be designed to use State and Federal
6 funding to attract private capital in the form of
7 grants or investments to further the purposes of
8 this section; and

9 (E) provide for the sharing of costs, risks,
10 and rewards of early deployment of innovation
11 in mass transportation technologies.

12 (3) GRANT REQUIREMENTS.—Grants, con-
13 tracts, and agreements under paragraph (1) shall be
14 eligible under and consistent with section 5312 of
15 title 49, United States Code, and shall be subject to
16 such terms and conditions as the Secretary pre-
17 scribes.

18 (4) FEDERAL SHARE OF COSTS.—The Federal
19 share of costs for a grant, contract, or agreement
20 with a consortium under this subsection shall not ex-
21 ceed 50 percent of the net project cost.

22 (5) ELIGIBLE CONSORTIUM DEFINED.—For
23 purposes of this section, the term “eligible consor-
24 tium” means a consortium of—

1 (A) businesses incorporated in the United
2 States;

3 (B) public or private educational or re-
4 search organizations located in the United
5 States;

6 (C) entities of State or local governments
7 in the United States;

8 (D) Federal laboratories; or

9 (E) existing consortia funded pursuant to Pub-
10 lic Law 103–396.

11 (6) FUNDING.—

12 (A) SET-ASIDE OF AMOUNTS MADE AVAIL-
13 ABLE UNDER SECTION 5338(d).—Of the funds
14 made available by or appropriated under section
15 5338(d) of title 49, United States Code, for a
16 fiscal year \$5,000,000 shall be available to
17 carry out this subsection.

18 (B) SET-ASIDE OF AMOUNTS MADE AVAIL-
19 ABLE UNDER SECTION 5309(o).—Of the funds
20 made available to carry out the bus technology
21 pilot program under section 5309(o) of title 49,
22 United States Code, for a fiscal year
23 \$5,000,000 shall be available to carry out this
24 subsection.

25 (c) ADVANCED TECHNOLOGY PILOT PROJECT.—

1 (1) IN GENERAL.—The Secretary shall make
 2 grants for the development of low speed magnetic
 3 levitation technology for public transportation pur-
 4 poses in urban areas to demonstrate energy effi-
 5 ciency, congestion mitigation, and safety benefits.

6 (2) FUNDING.—Of the amounts made available
 7 for each of fiscal years 1998 through 2000 by sec-
 8 tion 127(a)(3)(H) of this Act, \$5,000,000 per fiscal
 9 year shall be available to carry out this subsection.

10 (3) FEDERAL SHARE.—The Federal share pay-
 11 able on account of activities carried out using a
 12 grant made under this subsection shall be 80 per-
 13 cent of the cost of such activities.

14 **SEC. 312. NATIONAL TRANSIT INSTITUTE.**

15 (a) IN GENERAL.—Section 5315 is amended—

16 (1) in the section heading by striking “**mass**
 17 **transportation**” and inserting “**transit**”; and

18 (2) in subsection (a)—

19 (A) by striking “mass transportation” in
 20 the first sentence and inserting “transit”;

21 (B) by inserting “and architectural de-
 22 sign” before the semicolon at the end of para-
 23 graph (5);

24 (C) by striking “carrying out” in para-
 25 graph (7) and inserting “delivering”;

1 (D) by inserting “, construction manage-
 2 ment, insurance, and risk management” before
 3 the semicolon at the end of paragraph (11);

4 (E) by striking “and” at the end of para-
 5 graph (13);

6 (F) by striking the period at the end of
 7 paragraph (14) and inserting “; and”; and

8 (G) by adding at the end the following:
 9 “(15) innovative finance.”.

10 (b) CONFORMING AMENDMENT.—The item relating
 11 to section 5315 in the table of sections for chapter 53 is
 12 amended by striking “mass transportation” and inserting
 13 “transit”.

14 **SEC. 313. UNIVERSITY RESEARCH INSTITUTES.**

15 Section 5316, and the item relating to section 5316
 16 in the table of sections for chapter 53, are repealed.

17 **SEC. 314. TRANSPORTATION CENTERS.**

18 Section 5317, and the item relating to section 5317
 19 in the table of sections for chapter 53, are repealed.

20 **SEC. 315. BUS TESTING FACILITIES.**

21 (a) OPERATION AND MAINTENANCE.—Section
 22 5318(b) is amended—

23 (1) by striking “make a contract with” and in-
 24 serting “enter into a contract or cooperative agree-
 25 ment with, or make a grant to,”;

1 (2) by inserting “or organization” after “per-
2 son”;

3 (3) by inserting “, cooperative agreement, or
4 grant” after “The contract”; and

5 (4) by inserting “mass transportation” after
6 “and other”.

7 (b) AVAILABILITY OF AMOUNTS.—Section 5318(e) is
8 amended—

9 (1) by striking “make a contract with” and in-
10 serting “enter into a contract or cooperative agree-
11 ment with, or make a grant to,”; and

12 (2) by striking “5338(j)(5)” and inserting
13 “5312”.

14 **SEC. 316. BICYCLE FACILITIES.**

15 Section 5319 is amended by striking “under this sec-
16 tion is for 90 percent of the cost of the project” and insert-
17 ing “made eligible by this section is for 90 percent of the
18 cost of the project; except that, if the grant or any portion
19 of the grant is made with funds required to be expended
20 under section 5307(k) and the project involves providing
21 bicycle access to mass transportation, that grant or por-
22 tion of that grant shall be at a Federal share of 95 per-
23 cent”.

1 **SEC. 317. GENERAL PROVISIONS ON ASSISTANCE.**

2 (a) TECHNICAL AMENDMENT.—Section 5323(d) is
3 amended by striking “BUYING AND OPERATING BUSES.—
4 ” and inserting “CONDITION ON CHARTER BUS TRANS-
5 PORTATION SERVICE.—”.

6 (b) REQUIRED PAYMENTS AND ELIGIBLE COSTS.—
7 Section 5323(e) is amended to read as follows:

8 “(e) REQUIRED PAYMENTS AND ELIGIBLE COSTS OF
9 PROJECTS THAT ENHANCE ECONOMIC DEVELOPMENT OR
10 INCORPORATE PRIVATE INVESTMENT.—

11 “(1) REQUIRED PAYMENTS.—Each grant or
12 loan under this chapter for a capital project de-
13 scribed in section 5302(a)(1)(G) shall require that a
14 person making an agreement to occupy space in a
15 facility funded under this chapter pay a reasonable
16 share of the costs of the facility through rental pay-
17 ments and other means.

18 “(2) ELIGIBLE COSTS.—Eligible costs for a
19 capital project described in section 5302(a)(1)(G)—

20 “(A) include property acquisition, demoli-
21 tion of existing structures, site preparation,
22 utilities, building foundations, walkways, open
23 space, and a capital project for, and improving,
24 equipment or a facility for an intermodal trans-
25 fer facility or transportation mall; but

1 “(B) do not include construction of a com-
2 mercial revenue producing facility or a part of
3 a public facility not related to mass transpor-
4 tation.”.

5 (c) GOVERNMENT’S SHARE.—Section 5323(i) is
6 amended to read as follows:

7 “(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN
8 PROJECTS.—A grant for a project to be assisted under
9 this chapter that involves acquiring vehicle-related equip-
10 ment required by the Americans with Disabilities Act of
11 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equip-
12 ment (including clean fuel or alternative fuel vehicle-relat-
13 ed equipment) for purposes of complying with or maintain-
14 ing compliance with the Clean Air Act, is for 90 percent
15 of the net project cost of such equipment attributable to
16 compliance with such Acts. The Secretary shall have dis-
17 cretion to determine, through practicable administrative
18 procedures, the costs of such equipment attributable to
19 compliance with such Acts.”.

20 (d) BUY AMERICA.—Section 5323(j)(7) is amended
21 to read as follows:

22 “(7) OPPORTUNITY TO CORRECT INADVERTENT
23 ERROR.—The Secretary may allow a manufacturer
24 or supplier of steel, iron, or manufactured goods to
25 correct after bid opening any certification made

1 under this subsection if the Secretary is satisfied
2 that the manufacturer or supplier submitted an in-
3 correct certification as a result of an inadvertent or
4 clerical error.”.

5 (e) PARTICIPATION OF GOVERNMENTAL AGENCIES
6 IN DESIGN AND DELIVERY OF TRANSPORTATION SERV-
7 ICES.—Section 5323 is amended by redesignating sub-
8 sections (k) and (l) as subsections (l) and (m) and by in-
9 serting after subsection (j) the following:

10 “(k) PARTICIPATION OF GOVERNMENTAL AGENCIES
11 IN DESIGN AND DELIVERY OF TRANSPORTATION SERV-
12 ICES.—To the extent feasible, governmental agencies and
13 nonprofit organizations that receive assistance from Gov-
14 ernment sources (other than the Department of Transpor-
15 tation) for nonemergency transportation services shall
16 participate and coordinate with recipients of assistance
17 under this chapter in the design and delivery of transpor-
18 tation services and shall be included in the planning for
19 such services.”.

20 (f) SUBMISSION OF CERTIFICATIONS.—Section 5323
21 is further amended by adding at the end the following:

22 “(n) SUBMISSION OF CERTIFICATIONS.—

23 “(1) IN GENERAL.—A certification required
24 under this chapter and any additional certification
25 or assurance required by law or regulation to be sub-

mitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2).

“(2) APPLICABILITY OF FALSE CLAIMS ACT.—Section 1001 of title 18 applies to a certificate or submission under this chapter. The Secretary may end a grant under this chapter and seek reimbursement, directly by offsetting amounts available under section 5336, when a false or fraudulent statement or related act within the meaning of such section 1001 is made in connection with a certification or submission under this chapter.”.

SEC. 318. CONTRACT REQUIREMENTS.

Section 5325 is amended—

- (1) by striking subsections (b) and (c);
- (2) by redesignating subsection (d) as subsection (b); and
- (3) by adding at the end the following:

“(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including

1 improved long-term operating efficiency and lower long-
2 term costs.”.

3 **SEC. 319. SPECIAL PROCUREMENTS.**

4 (a) TURNKEY SYSTEM PROJECTS.—Section 5326(a)
5 is amended—

6 (1) by striking paragraph (1) and inserting the
7 following:

8 “(1) TURNKEY SYSTEM PROJECT DEFINED.—In
9 this subsection, the term ‘turnkey system project’
10 means a project under which a recipient enters into
11 a contract with a seller, firm, or consortium of firms
12 to design and build a mass transportation system or
13 an operable segment thereof that meets specific per-
14 formance criteria. Such project may also include an
15 option to finance, or operate for a period of time,
16 the system or segment or any combination of design-
17 ing, building, operating, or maintaining such system
18 or segment.”;

19 (2) in paragraph (2)—

20 (A) by inserting “SELECTION OF TURNKEY
21 PROJECTS.—” after “(2)”; and

22 (B) by inserting “or an operable segment
23 of a mass transportation system” after “trans-
24 portation system”;

1 (3) in paragraph (3) by inserting “DEM-
2 ONSTRATIONS.—” after “(3)”;

3 (4) by aligning paragraphs (2) and (3) with
4 paragraph (1) of such section, as amended by para-
5 graph (1) of this section.

6 (b) TECHNICAL AMENDMENT.—Section 5326 is
7 amended by striking subsection (c) and inserting the fol-
8 lowing:

9 “(c) ACQUIRING ROLLING STOCK.—A recipient of fi-
10 nancial assistance of the United States Government under
11 this chapter may make a contract to expend that assist-
12 ance to acquire rolling stock—

13 “(1) based on—

14 “(A) initial capital costs; or

15 “(B) performance, standardization, life
16 cycle costs, and other factors; or

17 “(2) with a party selected through a competi-
18 tive procurement process.

19 “(d) PROCURING ASSOCIATED CAPITAL MAINTEN-
20 NANCE ITEMS.—A recipient of a grant under section 5307
21 of this title procuring an associated capital maintenance
22 item under section 5307(b) may make a contract directly
23 with the original manufacturer or supplier of the item to
24 be replaced, without receiving prior approval of the Sec-

1 retary, if the recipient first certifies in writing to the Sec-
 2 retary that—

3 “(1) the manufacturer or supplier is the only
 4 source for the item; and

5 “(2) the price of the item is no more than the
 6 price similar customers pay for the item.”.

7 (c) CONFORMING AMENDMENT.—Section 5334(b)(4)
 8 is amended by striking “5323(a)(2), (c) and (e), 5324(c),
 9 and 5325 of this title” and inserting “5323(a)(2),
 10 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c),
 11 and 5326(d)”.

12 **SEC. 320. PROJECT MANAGEMENT OVERSIGHT.**

13 Section 5327(c)(2) is amended—

14 (1) by striking “make contracts” and inserting
 15 “enter into contracts”; and

16 (2) by inserting before the period at the end of
 17 the first sentence the following: “and to provide
 18 technical assistance to correct deficiencies identified
 19 in compliance reviews and audits carried out under
 20 this section”.

21 **SEC. 321. STUDY ON ALCOHOL AND CONTROLLED SUB-**
 22 **STANCES RANDOM TESTING RATE CALCULA-**
 23 **TION.**

24 (a) STUDY.—The Secretary shall conduct a study to
 25 determine how the alcohol and controlled substances ran-

1 dom testing rate under section 5331 of title 49, United
2 States Code, should be calculated.

3 (b) CONSIDERATIONS.—In conducting the study
4 under this section, the Secretary shall consider—

5 (1) the differences in random testing results
6 among employers subject to section 5331 of title 49,
7 United States Code;

8 (2) the differences in random testing results
9 among employers subject to such section in areas
10 with populations of at least 200,000, in areas with
11 populations less than 200,000, and in other than ur-
12 banized areas;

13 (3) the deterrent effect of random testing; and

14 (4) the effect of random testing on public safe-
15 ty.

16 (c) REPORT.—Not later than December 31, 1999, the
17 Secretary shall transmit to Congress a report on the re-
18 sults of the study conducted under this section, together
19 with any proposed changes to the calculation of the ran-
20 dom alcohol and controlled substances testing rate.

21 **SEC. 322. ADMINISTRATIVE PROCEDURES.**

22 (a) TRAINING AND CONFERENCE COSTS.—Section
23 5334(a) is amended—

24 (1) by striking “and” at the end of paragraph

25 (8);

1 (2) by striking the period at the end of para-
2 graph (9) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(10) collect fees to cover the costs of training
5 or conferences, including costs of promotional mate-
6 rials, sponsored by the Federal Transit Administra-
7 tion to promote mass transportation and credit
8 amounts collected to the appropriation concerned.”.

9 (b) FLEXIBILITY FOR AREAS WITH POPULATIONS
10 UNDER 200,000.—Section 5334(i) is amended to read as
11 follows:

12 “(i) FLEXIBILITY FOR AREAS WITH POPULATIONS
13 UNDER 200,000.—Not later than 180 days after the date
14 of the enactment of the Building Efficient Surface Trans-
15 portation and Equity Act of 1997, the Secretary shall seek
16 public comment on ways to simplify and streamline the
17 administration of the formula program for urbanized
18 areas with populations of less than 200,000 and shall
19 make, to the extent feasible and consistent with statutory
20 requirements, every effort to ease any administrative bur-
21 dens thereby identified.”.

22 (c) TECHNICAL AMENDMENTS.—

23 (1) SECTION HEADING.—The heading for sec-
24 tion 5334 is amended by inserting “**provisions**”
25 after “**Administrative**”.

1 (2) TABLE OF SECTIONS.—The item relating to
2 section 5334 in the table of sections for chapter 53
3 is amended by inserting “provisions” after “Admin-
4 istrative”.

5 **SEC. 323. REPORTS AND AUDITS.**

6 (a) NATIONAL TRANSIT DATABASE.—Section
7 5335(a) is amended—

8 (1) by striking “REPORTING SYSTEM AND UNI-
9 FORM SYSTEM OF ACCOUNTS AND RECORDS” and
10 inserting “NATIONAL TRANSIT DATABASE”; and

11 (2) in paragraph (1)—

12 (A) by striking “by uniform categories,”
13 and inserting “using uniform categories”; and

14 (B) by striking “and a uniform system of
15 accounts and records” and inserting “and using
16 a uniform system of accounts”.

17 (b) REPORTS.—Section 5335 is further amended—

18 (1) by striking subsections (b) and (c);

19 (2) by redesignating subsection (d) as sub-
20 section (b); and

21 (3) in such redesignated subsection by striking
22 “Public Works and Transportation” and inserting
23 “Transportation and Infrastructure”.

1 **SEC. 324. APPORTIONMENT OF APPROPRIATIONS FOR FOR-**
2 **MULA GRANTS.**

3 Section 5336 is amended—

4 (1) in the section heading by striking “**block**
5 **grants**” and inserting “**formula grants**”; and

6 (2) by striking subsection (d) and inserting the
7 following:

8 “(d) LIMITATION ON OPERATING ASSISTANCE AND
9 PREVENTIVE MAINTENANCE.—Of the funds apportioned
10 under this section for urbanized areas, such sums as may
11 be necessary shall be available for operating assistance for
12 urbanized areas with populations under 200,000, except
13 that the total amount of such funds made available for
14 such operating assistance and for preventive maintenance
15 activities for urbanized areas that become eligible for cap-
16 ital assistance under section 5307 on the date of the en-
17 actment of the Building Efficient Surface Transportation
18 and Equity Act of 1997 may not exceed \$400,000,000 for
19 any fiscal year.”.

20 **SEC. 325. APPORTIONMENT OF APPROPRIATIONS FOR**
21 **FIXED GUIDEWAY MODERNIZATION.**

22 (a) DISTRIBUTION.—Section 5337(a) is amended to
23 read as follows:

24 “(a) DISTRIBUTION.—The Secretary of Transpor-
25 tation shall apportion amounts made available for fixed

1 guideway modernization under section 5309 for each of
2 fiscal years 1998, 1999, and 2000, as follows:

3 “(1) The first \$497,700,000 shall be appor-
4 tioned in the following urbanized areas as follows:

5 “(A) Baltimore, \$8,372,000.

6 “(B) Boston, \$38,948,000.

7 “(C) Chicago/Northwestern Indiana,
8 \$78,169,000.

9 “(D) Cleveland, \$9,509,500.

10 “(E) New Orleans, \$1,730,588.

11 “(F) New York, \$176,034,461.

12 “(G) Northeastern New Jersey,
13 \$50,604,653.

14 “(H) Philadelphia/Southern New Jersey,
15 \$58,924,764.

16 “(I) Pittsburgh, \$13,662,463.

17 “(J) San Francisco, \$33,989,571.

18 “(K) Southwestern Connecticut,
19 \$27,755,000.

20 “(2) The next \$74,849,950 shall be apportioned
21 as follows:

22 “(A) \$4,849,950 to the Alaska Railroad
23 for improvements to its passenger operations.

24 “(B) Of the remaining \$70,000,000—

1 “(i) 50 percent in the urbanized areas
2 listed in paragraph (1) as provided in sec-
3 tion 5336(b)(2)(A); and

4 “(ii) 50 percent in other urbanized
5 areas eligible for assistance under section
6 5336(b)(2)(A) to which amounts were ap-
7 portioned under this section for fiscal year
8 1997, as provided in section 5336(b)(2)(A)
9 and subsection (e) of this section.

10 “(3) The next \$5,700,000 shall be apportioned
11 in the following urbanized areas as follows:

12 “(A) Pittsburgh, 61.76 percent.

13 “(B) Cleveland, 10.73 percent.

14 “(C) New Orleans, 5.79 percent.

15 “(D) 21.72 percent in urbanized areas to
16 which paragraph (2)(B)(ii) applies, as provided
17 in section 5336(b)(2)(A) and subsection (e) of
18 this section.

19 “(4) The next \$186,600,000 shall be appor-
20 tioned in each urbanized area to which paragraph
21 (1) applies and in each urbanized area to which
22 paragraph (2)(B) applies, as provided in section
23 5336(b)(2)(A) and subsection (e) of this section.

24 “(5) The next \$140,000,000 shall be appor-
25 tioned as follows:

1 “(A) 65 percent in the urbanized areas
2 listed in paragraph (1) as provided in section
3 5336(b)(2)(A) and subsection (e) of this sec-
4 tion.

5 “(B) 35 percent to other urbanized areas
6 eligible for assistance under section
7 5336(b)(2)(A) of this title if the areas contain
8 fixed guideway systems placed in revenue serv-
9 ice at least 7 years before the fiscal year in
10 which amounts are made available and in any
11 urbanized area if, before the first day of the fis-
12 cal year, the area satisfies the Secretary that
13 the area has modernization needs that cannot
14 adequately be met with amounts received under
15 section 5336(b)(2)(A), as provided in section
16 5336(b)(2)(A) and subsection (e) of this sec-
17 tion.

18 “(6) The next \$100,000,000 shall be appor-
19 tioned as follows:

20 “(A) 60 percent in the urbanized areas
21 listed in paragraph (1) as provided in section
22 5336(b)(2)(A) and subsection (e) of this sec-
23 tion.

24 “(B) 40 percent to urbanized areas to
25 which paragraph (5)(B) applies, as provided in

1 section 5336(b)(2)(A) and subsection (e) of this
2 section.

3 “(7) Remaining amounts shall be apportioned
4 as follows:

5 “(A) 50 percent in the urbanized areas
6 listed in paragraph (1) as provided in section
7 5336(b)(2)(A) and subsection (e) of this sec-
8 tion.

9 “(B) 50 percent to urbanized areas to
10 which paragraph (5)(B) applies, as provided in
11 section 5336(b)(2)(A) and subsection (e) of this
12 section.”.

13 (b) ROUTE SEGMENTS TO BE INCLUDED IN APPOR-
14 TIONMENT FORMULAS.—Section 5337 is further amended
15 by adding at the end the following:

16 “(e) ROUTE SEGMENTS TO BE INCLUDED IN APPOR-
17 TIONMENT FORMULAS.—(1) Amounts apportioned under
18 paragraphs (2)(B), (3), and (4) of subsection (a) shall
19 have attributable to each urbanized area only the number
20 of fixed guideway revenue miles of service and number of
21 fixed guideway route miles for segments of fixed guideway
22 systems used to determine apportionments for fiscal year
23 1997.

24 “(2) Amounts apportioned under paragraphs (5)
25 through (7) of subsection (a) shall have attributable to

1 each urbanized area only the number of fixed guideway
 2 revenue miles of service and number of fixed guideway
 3 route-miles for segments of fixed guideway systems placed
 4 in revenue service at least 7 years before the fiscal year
 5 in which amounts are made available.”.

6 **SEC. 326. AUTHORIZATIONS.**

7 (a) IN GENERAL.—Section 5338 is amended to read
 8 as follows:

9 **“§ 5338. Authorizations**

10 “(a) FORMULA GRANTS.—

11 “(1) FROM THE TRUST FUND.—There shall be
 12 available from the Mass Transit Account of the
 13 Highway Trust Fund to carry out sections 5307,
 14 5310, and 5311—

15 “(A) \$2,698,000,000 for fiscal year 1998;

16 “(B) \$3,213,000,000 for fiscal year 1999;

17 and

18 “(C) \$3,553,000,000 for fiscal year 2000.

19 “(2) FROM THE GENERAL FUND.—In addition
 20 to amounts made available under paragraph (1),
 21 there are authorized to be appropriated to carry out
 22 sections 5307 and 5311—

23 “(A) \$290,000,000 for fiscal year 1998;

24 and

25 “(B) \$68,000,000 for fiscal year 1999.

1 “(3) ALLOCATION OF FUNDS.—Of the aggre-
2 gate of amounts made available by and appropriated
3 under this subsection for a fiscal year—

4 “(A) 2.4 percent shall be available to pro-
5 vide transportation services to elderly individ-
6 uals and individuals with disabilities under sec-
7 tion 5310;

8 “(B) 5.37 percent shall be available to pro-
9 vide financial assistance for other than urban-
10 ized areas under section 5311; and

11 “(C) 92.23 percent shall be available to
12 provide financial assistance for urbanized areas
13 under section 5307.

14 “(b) CAPITAL PROGRAM GRANTS AND LOANS.—
15 There shall be available from the Mass Transit Account
16 of the Highway Trust Fund to carry out section 5309:

17 “(1) \$2,197,000,000 for fiscal year 1998.

18 “(2) \$2,412,000,000 for fiscal year 1999.

19 “(3) \$2,613,000,000 for fiscal year 2000.

20 “(c) PLANNING.—

21 “(1) FROM THE TRUST FUND.—There shall be
22 available from the Mass Transit Account of the
23 Highway Trust Fund to carry out sections 5303,
24 5304, 5305, and 5313(b) \$54,000,000 for fiscal
25 year 2000.

1 “(2) FROM THE GENERAL FUND.—There are
2 authorized to be appropriated to carry out sections
3 5303, 5304, 5305, and 5313(b)—

4 “(A) \$48,000,000 for fiscal year 1998; and

5 “(B) \$52,000,000 for fiscal year 1999.

6 “(3) ALLOCATION OF FUNDS.—Of the funds
7 made available by or appropriated under this sub-
8 section for a fiscal year—

9 “(A) 82.72 percent shall be available for
10 metropolitan planning under sections 5303,
11 5304, and 5305; and

12 “(B) 17.28 percent shall be available for
13 State planning under section 5313(b).

14 “(d) RESEARCH.—

15 “(1) FROM THE TRUST FUND.—There shall be
16 available from the Mass Transit Account of the
17 Highway Trust Fund to carry out sections
18 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322
19 \$38,000,000 for fiscal year 2000.

20 “(2) FROM THE GENERAL FUND.—There are
21 authorized to be appropriated to carry out sections
22 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322
23 \$38,000,000 per fiscal year for fiscal years 1998
24 and 1999.

1 “(3) ALLOCATION OF FUNDS.—Of the funds
2 made available by or appropriated under this sub-
3 section for a fiscal year—

4 “(A) not less than \$5,250,000 shall be
5 available for providing rural transportation as-
6 sistance under section 5311(b)(2);

7 “(B) not less than \$8,250,000 shall be
8 available for carrying out transit cooperative re-
9 search programs under section 5313(a);

10 “(C) not less than \$3,000,000 shall be
11 available to carry out programs under the Na-
12 tional Transit Institute under section 5315; and

13 “(D) the remainder shall be available for
14 carrying out national planning and research
15 programs under sections 5311(b)(2), 5312,
16 5313(a), 5314, and 5322.

17 “(e) UNIVERSITY TRANSPORTATION RESEARCH.—

18 “(1) FROM THE TRUST FUND.—There shall be
19 available from the Mass Transit Account of the
20 Highway Trust Fund to carry out section 5505
21 \$6,000,000 for fiscal year 2000.

22 “(2) FROM THE GENERAL FUND.—There is au-
23 thorized to be appropriated to carry out section
24 5505 \$6,000,000 per fiscal year for fiscal years
25 1998 and 1999.

1 “(f) ADMINISTRATION.—

2 “(1) FROM THE TRUST FUND.—There shall be
3 available from the Mass Transit Account of the
4 Highway Trust Fund for administrative expenses to
5 carry out section 5334 \$52,000,000 for fiscal year
6 2000.

7 “(2) FROM THE GENERAL FUND.—There is au-
8 thorized to be appropriated for administrative ex-
9 penses to carry out section 5334—

10 “(A) \$46,000,000 for fiscal year 1998; and

11 “(B) \$50,000,000 for fiscal year 1999.

12 “(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

13 “(1) GRANTS FINANCED FROM THE HIGHWAY
14 TRUST FUND.—A grant or contract approved by the
15 Secretary, that is financed with amounts made avail-
16 able under subsection (a)(1), (b), (c)(1), (d)(1), or
17 (e)(1), is a contractual obligation of the United
18 States Government to pay the Government’s share
19 of the cost of the project.

20 “(2) GRANTS FINANCED FROM GENERAL
21 FUNDS.—A grant or contract, approved by the Sec-
22 retary, that is financed with amounts made available
23 under subsection (a)(2), (c)(2), (d)(2), or (e)(2), is
24 a contractual obligation of the Government to pay
25 the Government’s share of the cost of the project

1 only to the extent amounts are provided in advance
2 in an appropriations law.

3 “(h) AVAILABILITY OF AMOUNTS.—Amounts made
4 available by or appropriated under subsections (a) through
5 (e) shall remain available until expended.”.

6 (b) CONFORMING AMENDMENTS.—Chapter 53 is
7 amended as follows:

8 (1) In sections 5303(h)(1), 5303(h)(2)(A), and
9 5303(h)(3)(A) by striking “5338(g)(1)” and insert-
10 ing “5338(c)(3)(A)”.

11 (2) In section 5303(h)(1) by striking “–5306”
12 and inserting “and 5305”.

13 (3) In section 5303(h)(4) by striking “5338(g)”
14 and inserting “5338(c)(3)(A)”.

15 (4) In section 5309(g)(4) by striking “5338(a)”
16 and inserting “5338(b)”.

17 (5) In section 5310(b) by striking “5338(a)”
18 and inserting “5338(a)(3)(A)”.

19 (6) In section 5311(c) by striking “5338(a)”
20 and inserting “5338(a)(3)(B)”.

21 (7) In section 5313(a)(1) by striking “section
22 5338(g)(3)” and inserting “sections 5338(d)(3)(B)
23 and 5338(d)(3)(D)”.

24 (8) In section 5313(b)(1) by striking
25 “5338(g)(3)” and inserting “5338(c)(3)(B)”.

1 (9) In section 5314(a)(1) by striking
2 “5338(g)(4)” and inserting “5338(d)(3)(D)”.

3 (10) In section 5318(d) by striking
4 “5338(j)(5)” and inserting “5309(m)(3)(B)”.

5 (11) In section 5333(b) by striking
6 “5338(j)(5)” each place it appears and inserting
7 “5338(b)”.

8 (12) In section 5336(a) by striking “5338(f)”
9 and inserting “5338(a)(3)(C)”.

10 (13) In section 5336(d)(2) by striking
11 “5338(f)” each place it appears and inserting
12 “5338(a)(3)(C)”.

13 (14) In section 5336(e)(1) by striking
14 “5338(f)” and inserting “5338(a)(3)(C)”.

15 **SEC. 327. OBLIGATION CEILING.**

16 (a) CAPITAL PROGRAM GRANTS AND LOANS.—Not-
17 withstanding any other provision of law, the total of all
18 obligations from amounts made available from the Mass
19 Transit Account of the Highway Trust Fund by section
20 5338(b) of title 49, United States Code, shall not exceed—

21 (1) \$2,197,000,000 in fiscal year 1998;

22 (2) \$2,412,000,000 in fiscal year 1999; and

23 (3) \$2,613,000,000 in fiscal year 2000.

24 (b) FORMULA GRANTS, PLANNING, RESEARCH, AND
25 ADMINISTRATION.—Notwithstanding any other provision

1 of law, the total of all obligations from amounts made
2 available from the Mass Transit Account of the Highway
3 Trust Fund by subsections (a), (c), (d), (e), and (f) of
4 section 5338 of title 49, United States Code, shall not ex-
5 ceed—

6 (1) \$2,698,000,000 in fiscal year 1998;

7 (2) \$3,213,000,000 in fiscal year 1999; and

8 (3) \$3,703,000,000 in fiscal year 2000.

9 **SEC. 328. ACCESS TO JOBS CHALLENGE GRANT PILOT PRO-**
10 **GRAM.**

11 (a) **GENERAL AUTHORITY.**—The Secretary may
12 make grants under this section to assist States, local gov-
13 ernmental authorities, and nonprofit organizations in fi-
14 nancing transportation services designed to transport wel-
15 fare recipients to and from jobs and activities related to
16 their employment. The Secretary shall coordinate activi-
17 ties under this section with related activities under pro-
18 grams of other Federal departments and agencies.

19 (b) **GRANT CRITERIA.**—In selecting applicants for
20 grants under this section, the Secretary shall consider the
21 following:

22 (1) The percentage of the population in the
23 area to be served that are welfare recipients.

24 (2) The need for additional services to trans-
25 port welfare recipients to and from specified jobs,

1 training, and other employment support services,
2 and the extent to which the proposed services will
3 address those needs.

4 (3) The extent to which the applicant dem-
5 onstrates coordination with, and the financial com-
6 mitment of, existing transportation service providers.

7 (4) The extent to which the applicant dem-
8 onstrates maximum utilization of existing transpor-
9 tation service providers and expands existing transit
10 networks or hours of service or both.

11 (5) The extent to which the applicant dem-
12 onstrates an innovative approach that is responsive
13 to identified service needs.

14 (6) The extent to which the applicant presents
15 a comprehensive approach to addressing the needs of
16 welfare recipients and identifies long-term financing
17 strategies to support the services under this section.

18 (c) ELIGIBLE PROJECTS.—The Secretary may make
19 grants under this section for—

20 (1) capital projects and to finance operating
21 costs of equipment, facilities, and associated capital
22 maintenance items related to providing access to
23 jobs under this section;

24 (2) promoting the use of transit by workers
25 with nontraditional work schedules;

1 (3) promoting the use by appropriate agencies
2 of transit vouchers for welfare recipients under spe-
3 cific terms and conditions developed by the Sec-
4 retary; and

5 (4) promoting the use of employer-provided
6 transportation including the transit pass benefit pro-
7 gram under subsections (a) and (f) of section 132 of
8 title 26, United States Code.

9 No planning or coordination activities are eligible for as-
10 sistance under this section.

11 (d) COMPETITIVE GRANT SELECTION.—The Sec-
12 retary shall conduct a national solicitation for applications
13 for grants under this section. Grantees shall be selected
14 on a competitive basis. The Secretary shall select not more
15 than 10 demonstration projects for the pilot program, in-
16 cluding 6 projects from urbanized areas with populations
17 of at least 200,000, 2 projects from urbanized areas with
18 populations less than 200,000, and 2 projects from other
19 than urbanized areas.

20 (e) FEDERAL SHARE OF COSTS.—The Federal share
21 of costs under this section shall be provided from funds
22 appropriated to carry out this section. The Federal share
23 of the costs for a project under this section shall not ex-
24 ceed 50 percent of the net project cost. The remainder
25 shall be provided in cash from sources other than revenues

1 from providing mass transportation. Funds appropriated
2 to a Federal department or agency (other than the De-
3 partment of Transportation) and eligible to be used for
4 transportation may be used toward the nongovernment
5 share payable on a project under this section.

6 (f) PLANNING REQUIREMENTS.—The requirements
7 of sections 5303 through 5306 of title 49, United States
8 Code, apply to grants made under this section. Applica-
9 tions must reflect coordination with and the approval of
10 affected transit grant recipients and the projects financed
11 must be part of a coordinated public transit-human serv-
12 ices transportation planning process.

13 (g) GRANT REQUIREMENTS.—A grant under this sec-
14 tion shall be subject to all of the terms and conditions
15 of grants made under section 5307 of title 49, United
16 States Code, and such terms and conditions as determined
17 by the Secretary.

18 (h) PROGRAM EVALUATION.—

19 (1) COMPTROLLER GENERAL.—Six months
20 after the date of the enactment of this Act and each
21 6 months thereafter, the Comptroller General shall
22 conduct a study to evaluate the access to jobs pro-
23 gram conducted under this section and transmit to
24 the Committee on Transportation and Infrastructure
25 of the House of Representatives and the Committee

1 on Banking, Housing, and Urban Affairs of the Sen-
2 ate the results of the study.

3 (2) DEPARTMENT OF TRANSPORTATION.—The
4 Secretary shall conduct a study to evaluate the ac-
5 cess to jobs program conducted under this section
6 and transmit to the Committee on Transportation
7 and Infrastructure of the House of Representatives
8 and the Committee on Banking, Housing, and
9 Urban Affairs of the Senate the results of the study
10 within 2 years of the date of the enactment of this
11 Act.

12 (i) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) CAPITAL PROJECT AND URBANIZED
15 AREA.—The terms “capital project” and “urbanized
16 area” have the meaning such terms have under sec-
17 tion 5302 of title 49, United States Code.

18 (2) EXISTING TRANSPORTATION SERVICE PRO-
19 VIDERS.—The term “existing transportation service
20 providers” means mass transportation operators and
21 governmental agencies and nonprofit organizations
22 that receive assistance from Federal, State, or local
23 sources for nonemergency transportation services.

24 (3) WELFARE RECIPIENT.—The term “welfare
25 recipient” means an individual who receives or re-

1 ceived aid or assistance under a State program fund-
 2 ed under part A of title IV of the Social Security
 3 Act (whether in effect before or after the effective
 4 date of the amendments made by title I of the Per-
 5 sonal Responsibility and Work Opportunity Rec-
 6 onciliation Act of 1996) at any time during the 3-
 7 year period ending on the date the applicant applies
 8 for a grant under this section.

9 (j) FUNDING.—There is authorized to be appro-
 10 priated to carry out this section \$42,000,000 per fiscal
 11 year for fiscal years 1998, 1999, and 2000. Such sums
 12 shall remain available until expended.

13 **SEC. 329. SENSE OF THE COMMITTEE REGARDING THE**
 14 **MASS TRANSIT ACCOUNT.**

15 It is the sense of the Committee on Transportation
 16 and Infrastructure of the House of Representatives that
 17 the limitation on the Mass Transit Account of the High-
 18 way Trust Fund under section 9503(e)(4) of the Internal
 19 Revenue Code of 1986 with regard to the mass transit
 20 portion of receipts should be 24 months.

21 **SEC. 330. PROJECT MANAGEMENT OVERSIGHT.**

22 (a) STUDY.—The Comptroller General shall conduct
 23 a study of the Secretary of Transportation's implementa-
 24 tion of project management oversight under section 5327
 25 of title 49, United States Code.

1 (b) CONTENTS.—The study shall include the follow-
2 ing:

3 (1) A listing of the amounts made available
4 under section 5327(c)(1) of title 49, United States
5 Code, for project management oversight in each of
6 fiscal years 1992 through 1997 and a description of
7 the activities funded using such amounts.

8 (2) A description of the major capital projects
9 subject to project management oversight, including
10 the grant amounts for such projects.

11 (3) A description of the contracts entered into
12 for project management oversight, including the
13 scope of work and dollar amounts of such contracts.

14 (4) A determination of whether the project
15 management oversight activities conducted by the
16 Secretary are authorized under section 5327.

17 (5) A description of any cost savings or pro-
18 gram improvements resulting from project manage-
19 ment oversight.

20 (6) Recommendations regarding any changes
21 that would improve the project management over-
22 sight function.

23 (c) REPORT.—Not later than 12 months after the
24 date of the enactment of this Act, the Comptroller General
25 shall transmit to the Committee on Transportation and

1 Infrastructure of the House of Representatives and the
2 Committee on Banking, Housing, and Urban Affairs of
3 the Senate a report containing the results of the study.

4 **SEC. 331. PRIVATIZATION.**

5 (a) STUDY.—Not later than 3 months after the date
6 of the enactment of this Act, the Secretary shall enter into
7 an agreement with the Transportation Research Board of
8 the National Academy of Sciences to conduct a study of
9 the effect of privatization or contracting out mass trans-
10 portation operation and administrative functions on cost,
11 availability and level of service, efficiency, safety, quality
12 of services provided to transit-dependent populations, and
13 employer-employee relations.

14 (b) TERMS OF AGREEMENT.—The agreement entered
15 into in subsection (a) shall provide that—

16 (1) the Transportation Research Board, in con-
17 ducting the study, consider the number of grant re-
18 cipients that have privatized or contracted out serv-
19 ices, the size of the population served by such grant
20 recipients, the basis for decisions regarding privat-
21 ization or contracting out, and the extent to which
22 contracting out was affected by the integration and
23 coordination of resources of transit agencies and
24 other Federal agencies and programs; and

1 (2) the panel conducting the study shall include
2 representatives of transit agencies, employees of
3 transit agencies, private contractors, academic and
4 policy analysts, and other interested persons.

5 (c) REPORT.—Not later than 24 months after the
6 date of entry into the agreement under subsection (a), the
7 Secretary shall transmit to the Committee on Transpor-
8 tation and Infrastructure of the House of Representatives
9 and the Committee on Banking, Housing, and Urban Af-
10 fairs of the Senate a report containing the results of the
11 study.

12 **SEC. 332. SCHOOL TRANSPORTATION SAFETY.**

13 (a) STUDY.—Not later than 3 months after the date
14 of the enactment of this Act, the Secretary shall enter into
15 an agreement with the Transportation Research Board of
16 the National Academy of Sciences to conduct a study of
17 the safety issues attendant to transportation of school chil-
18 dren to and from school and school-related activities by
19 various transportation modes.

20 (b) TERMS OF AGREEMENT.—The agreement entered
21 into in subsection (a) shall provide that—

22 (1) the Transportation Research Board, in con-
23 ducting the study, consider—

24 (A) in consultation with the National
25 Transportation Safety Board, the Bureau of

1 Transportation Statistics, and other relevant
2 entities, available crash injury data, and if un-
3 available or insufficient, recommend a new data
4 collection regimen and implementation guide-
5 lines; and

6 (B) vehicle design and driver training re-
7 quirements, routing, and operational factors
8 that affect safety and other factors that the
9 Secretary considers appropriate; and

10 (2) the panel conducting the study shall include
11 representatives of highway safety organizations,
12 school transportation, mass transportation opera-
13 tors, employee organizations, academic and policy
14 analysts, and other interested parties.

15 (c) REPORT.—Not later than 12 months after the
16 date of entry into the agreement under subsection (a), the
17 Secretary shall transmit to the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives
19 and the Committee on Banking, Housing, and Urban Af-
20 fairs of the Senate a report containing the results of the
21 study.

22 **SEC. 333. URBANIZED AREA FORMULA STUDY.**

23 (a) STUDY.—The Secretary shall conduct a study to
24 determine whether the current formula for apportioning
25 funds to urbanized areas accurately reflects the transit

1 needs of the urbanized areas and if not whether any
2 changes should be made either to the formula or through
3 some other mechanism to reflect the fact that some urban-
4 ized areas with a population between 50,000 and 200,000
5 have transit systems that carry more passengers per mile
6 or hour than the average of those transit systems in ur-
7 banized areas with a population over 200,000.

8 (b) REPORT.—Not later than December 31, 1999,
9 the Secretary shall transmit to the Committee on Trans-
10 portation and Infrastructure of the House of Representa-
11 tives and the Committee on Banking, Housing, and Urban
12 Affairs of the Senate a report on the results of the study
13 conducted under this section together with any proposed
14 changes to the method for apportioning funds to urbanized
15 areas with a population over 50,000.

16 **SEC. 334. COORDINATED TRANSPORTATION SERVICES.**

17 (a) STUDY.—The Comptroller General shall conduct
18 a study of Federal departments and agencies (other than
19 the Department of Transportation) that receive Federal
20 financial assistance for non-emergency transportation
21 services.

22 (b) CONTENTS.—In conducting the study, the Comp-
23 troller General shall—

24 (1) identify each Federal department and agen-
25 cy (other than the Department of Transportation)

1 that has received Federal financial assistance for
2 non-emergency transportation services in any of the
3 3 fiscal years preceding the date of the enactment
4 of this Act;

5 (2) identify the amount of such assistance re-
6 ceived by each Federal department and agency in
7 such fiscal years; and

8 (3) identify the projects and activities funded
9 using such financial assistance.

10 (c) REPORT.—Not later than 1 year after the date
11 of the enactment of this Act, the Comptroller General shall
12 transmit to the Committee on Transportation and Infra-
13 structure of the House of Representatives and the Com-
14 mittee on Banking, Housing, and Urban Affairs of the
15 Senate a report containing the results of the study and
16 any recommendations for enhanced coordination between
17 the Department of Transportation and other Federal de-
18 partments and agencies that provide funding for non-
19 emergency transportation.

20 **TITLE IV—MOTOR CARRIER**
21 **SAFETY**

22 **SEC. 401. AMENDMENTS TO TITLE 49, UNITED STATES**
23 **CODE.**

24 Except as otherwise specifically provided, whenever in
25 this title an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
2 sion of law, the reference shall be considered to be made
3 to a section or other provision of title 49, United States
4 Code.

5 **SEC. 402. STATE GRANTS.**

6 (a) OBJECTIVE AND DEFINITIONS.—Section 31101
7 is amended—

8 (1) by striking

9 **“§ 31101. Definitions”**

10 and inserting the following:

11 **“§ 31101. Objective and definitions”;**

12 (2) in paragraph (1)(A)—

13 (A) by inserting “or gross vehicle weight”
14 after “rating”; and

15 (B) by striking “10,000 pounds” and in-
16 serting “10,001 pounds, whichever is greater”;

17 (3) in paragraph (1)(C) by inserting “and
18 transported in a quantity requiring placarding under
19 regulations prescribed by the Secretary under sec-
20 tion 5103” after “title”;

21 (4) by striking “In this subchapter—” and in-
22 serting the following:

23 “(b) DEFINITIONS.—In this subchapter the following
24 definitions apply:”; and

1 (5) by inserting after the section heading the
2 following:

3 “(a) OBJECTIVE.—The objective of this subchapter
4 is to ensure that the Secretary, States, and other political
5 jurisdictions establish programs to improve motor carrier,
6 commercial motor vehicle, and driver safety to support a
7 safe and efficient transportation system by—

8 “(1) promoting safe for-hire and private trans-
9 portation, including transportation of passengers
10 and hazardous materials, to reduce the number and
11 severity of commercial motor vehicle crashes;

12 “(2) developing and enforcing effective, compat-
13 ible, and cost-beneficial motor carrier, commercial
14 motor vehicle, and driver safety regulations and
15 practices, including enforcement of State and local
16 traffic safety laws and regulations;

17 “(3) assessing and improving statewide pro-
18 gram performance by setting program outcome
19 goals, improving problem identification and counter-
20 measures planning, designing appropriate perform-
21 ance standards, measures, and benchmarks, improv-
22 ing performance information, and monitoring pro-
23 gram effectiveness;

24 “(4) ensuring that drivers of commercial motor
25 vehicles and enforcement personnel obtain adequate

1 training in safe operational practices and regulatory
2 requirements; and

3 “(5) advancing promising technologies and en-
4 couraging adoption of safe operational practices.”.

5 (b) PERFORMANCE-BASED GRANTS AND HAZARDOUS
6 MATERIALS TRANSPORTATION SAFETY.—Section 31102
7 is amended—

8 (1) in subsection (a)—

9 (A) by inserting “improving motor carrier
10 safety and” after “programs for”; and

11 (B) by inserting “, hazardous materials
12 transportation safety,” after “commercial motor
13 vehicle safety”; and

14 (2) in the first sentence of paragraph (b)(1)—

15 (A) by striking “adopt and assume respon-
16 sibility for enforcing” and inserting “assume re-
17 sponsibility for improving motor carrier safety
18 and to adopt and enforce”; and

19 (B) by inserting “, hazardous materials
20 transportation safety,” after “commercial motor
21 vehicle safety”.

22 (c) CONTENTS OF STATE PLANS.—Section
23 31102(b)(1) is amended—

24 (1) in subparagraph (J) by inserting “(1)”
25 after “(c)”;

(2) by striking subparagraphs (K), (L), (M), and (N) and inserting the following:

“(K) ensures consistent, effective, and reasonable sanctions;

“(L) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway safety programs under title 23;

“(M) ensures participation in motor carrier, commercial motor vehicle, and driver information systems by all appropriate jurisdictions receiving funding under this section;

“(N) implements performance-based activities by fiscal year 2003;”;

(3) in subparagraph (O)—

(A) by inserting after “activities” the following: “in support of national priorities and performance goals, including”;

(B) by striking “to remove” in clause (i) and inserting “activities aimed at removing”;

(C) by striking “to provide” in clause (ii) and inserting “activities aimed at providing”; and

(D) by inserting “and” after the semicolon at the end of clause (ii); and

1 (E) by striking clauses (iii) and (iv) and
2 inserting the following:

3 “(iii) interdiction activities affecting
4 the transportation of controlled substances
5 by commercial motor vehicle drivers and
6 training on appropriate strategies for car-
7 rying out those interdiction activities;”;

8 (4) by striking subparagraph (P) and inserting
9 the following:

10 “(P) provides that the State will establish
11 a program to ensure the proper and timely cor-
12 rection of commercial motor vehicle safety viola-
13 tions noted during an inspection carried out
14 with funds authorized under section 31104;”;

15 (5) by striking the period at the end of sub-
16 paragraph (Q) and inserting “; and”; and

17 (6) by adding at the end the following:

18 “(R) ensures that roadside inspections will
19 be conducted only at a distance that is adequate
20 to protect the safety of drivers and enforcement
21 personnel.”.

22 (d) UNITED STATES GOVERNMENT’S SHARE OF
23 COSTS.—The first sentence of section 31103 is amended
24 by inserting “improve commercial motor vehicle safety
25 and” before “enforce”.

1 (e) AVAILABILITY OF AMOUNTS.—Section 31104(a)
2 of such title is amended to read as follows:

3 “(a) IN GENERAL.—The following amounts are made
4 available from the Highway Trust Fund (other than the
5 Mass Transit Account) for the Secretary of Transpor-
6 tation to incur obligations to carry out section 31102:

7 “(1) Not more than \$78,000,000 for fiscal year
8 1998.

9 “(2) Not more than \$110,000,000 for fiscal
10 year 1999.

11 “(3) Not more than \$130,000,000 for fiscal
12 year 2000.”

13 (f) CONFORMING AMENDMENT.—Section 31104(b) is
14 amended by striking “(1)” and by striking paragraph (2).

15 (g) ALLOCATION CRITERIA AND ELIGIBILITY.—Sec-
16 tion 31104 is further amended—

17 (1) by striking subsections (f) and (g) and in-
18 serting the following:

19 “(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

20 “(1) IN GENERAL.—On October 1 of each fiscal
21 year or as soon after that date as practicable and
22 after making the deduction under subsection (e), the
23 Secretary shall allocate amounts made available to
24 carry out section 31102 for such fiscal year among
25 the States with plans approved under section 31102.

1 Such allocation shall be made under such criteria as
2 the Secretary prescribes by regulation.

3 “(2) HIGH-PRIORITY ACTIVITIES AND
4 PROJECTS.—The Secretary may designate up to 5
5 percent of amounts available for allocation under
6 paragraph (1) to reimburse—

7 “(A) States for carrying out high priority
8 activities and projects that improve commercial
9 motor vehicle safety and compliance with com-
10 mercial motor vehicle safety regulations, includ-
11 ing activities and projects that are national in
12 scope, increase public awareness and education,
13 or demonstrate new technologies; and

14 “(B) local governments and other persons
15 that use trained and qualified officers and em-
16 ployees, for carrying out activities and projects
17 described in subparagraph (A) in coordination
18 with State motor vehicle safety agencies.”;

19 (2) by redesignating subsection (h) as sub-
20 section (g);

21 (3) by striking subsection (i);

22 (4) by redesignating subsection (j) as sub-
23 section (h); and

24 (5) in the first sentence of subsection (h), as so
25 redesignated, by striking “tolerance”.

1 (h) CONFORMING AMENDMENT.—The table of sec-
2 tions for chapter 311 is amended by striking the item re-
3 lating to section 31101 and inserting the following:

“31101. Objective and definitions.”.

4 **SEC. 403. INFORMATION SYSTEMS.**

5 (a) IN GENERAL.—Section 31106 is amended to read
6 as follows:

7 **“§ 31106. Information systems**

8 “(a) INFORMATION SYSTEMS AND DATA ANALY-
9 SIS.—

10 “(1) IN GENERAL.—Subject to the provisions of
11 this section, the Secretary shall establish and oper-
12 ate motor carrier, commercial motor vehicle, and
13 driver information systems and data analysis pro-
14 grams to support safety activities required under
15 this title.

16 “(2) COORDINATION INTO NETWORK.—In co-
17 operation with the States, the information systems
18 under this section shall be coordinated into a net-
19 work providing identification of motor carriers and
20 drivers, commercial motor vehicle registration and li-
21 cense tracking, and motor carrier, commercial motor
22 vehicle, and driver safety performance data.

23 “(3) DATA ANALYSIS CAPACITY AND PRO-
24 GRAMS.— The Secretary shall develop and maintain

1 under this section data analysis capacity and pro-
2 grams that provide the means to—

3 “(A) identify and collect necessary motor
4 carrier, commercial motor vehicle, and driver
5 data;

6 “(B) evaluate the safety fitness of motor
7 carriers, commercial motor vehicles, and driv-
8 ers;

9 “(C) develop strategies to mitigate safety
10 problems and to measure the effectiveness of
11 such strategies and related programs;

12 “(D) determine the cost-effectiveness of
13 Federal and State safety and enforcement pro-
14 grams and other countermeasures; and

15 “(E) adapt, improve, and incorporate other
16 information and information systems as the
17 Secretary determines appropriate.

18 “(4) STANDARDS.—To implement this section,
19 the Secretary may prescribe technical and oper-
20 ational standards to ensure—

21 “(A) uniform, timely, and accurate infor-
22 mation collection and reporting by the States
23 and other entities;

24 “(B) uniform Federal, State, and local
25 policies and procedures; and

1 “(C) the reliability and availability of the
2 information to the Secretary, States, and others
3 as the Secretary determines appropriate.

4 “(b) PERFORMANCE AND REGISTRATION INFORMA-
5 TION PROGRAM.—

6 “(1) INFORMATION CLEARINGHOUSE.—The
7 Secretary shall include, as part of the information
8 systems authorized by this section, a program to es-
9 tablish and maintain a clearinghouse and repository
10 of information related to State registration and li-
11 censing of commercial motor vehicles and the motor
12 carriers operating the vehicles. The clearinghouse
13 and repository shall include information on the safe-
14 ty fitness of each motor carrier and registrant and
15 other information the Secretary considers appro-
16 priate, including information on motor carrier, com-
17 mercial motor vehicle, and driver safety perform-
18 ance.

19 “(2) DESIGN.—The program shall link Federal
20 safety information systems with State registration
21 and licensing systems and shall be designed to en-
22 able a State to—

23 “(A) determine the safety fitness of a
24 motor carrier or registrant when licensing or
25 registering the motor carrier or commercial

1 motor vehicle or while the license or registration
2 is in effect; and

3 “(B) decide, in cooperation with the Sec-
4 retary, whether and what types of sanctions or
5 operating limitations to impose on the motor
6 carrier or registrant to ensure safety.

7 “(3) CONDITIONS FOR PARTICIPATION.—The
8 Secretary shall require States, as a condition of par-
9 ticipation in the program, to—

10 “(A) comply with the technical and oper-
11 ational standards prescribed by the Secretary
12 under subsection (a)(4); and

13 “(B) possess or seek authority to impose
14 commercial motor vehicle registration sanctions
15 or operating limitations on the basis of a Fed-
16 eral safety fitness determination.

17 “(4) FUNDING.—Of the amounts made avail-
18 able under section 31107, not more than \$6,000,000
19 in each of fiscal years 1998, 1999, and 2000 may
20 be used to carry out this subsection.

21 “(c) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY
22 PROGRAM.—In coordination with the information system
23 under section 31309, the Secretary is authorized to estab-
24 lish a program to improve commercial motor vehicle driver
25 safety. The objectives of the program shall include—

1 “(1) enhancing the exchange of driver licensing
2 information among the States and among the
3 States, the Federal Government, and foreign coun-
4 tries;

5 “(2) providing information to the judicial sys-
6 tem on commercial motor vehicle drivers;

7 “(3) evaluating any aspect of driver perform-
8 ance that the Secretary determines appropriate; and

9 “(4) developing appropriate strategies and
10 countermeasures to improve driver safety.

11 “(d) COOPERATIVE AGREEMENTS, GRANTS, AND
12 CONTRACTS.—The Secretary may carry out this section
13 either independently or in cooperation with other Federal
14 departments, agencies, and instrumentalities, or by mak-
15 ing grants to, and entering into contracts and cooperative
16 agreements with, States, local governments, associations,
17 institutions, corporations, and other persons.

18 “(e) INFORMATION AVAILABILITY AND PRIVACY
19 PROTECTION.—

20 “(1) AVAILABILITY OF INFORMATION.—The
21 Secretary shall make data collected in systems and
22 through programs under this section available to the
23 public to the maximum extent permissible under the
24 Privacy Act of 1974 (5 U.S.C. 552a) and the Free-
25 dom of Information Act (5 U.S.C. 552).

1 “(2) REVIEW OF DATA.—The Secretary shall
2 allow individuals and motor carriers to whom the
3 data pertains to review periodically such data and to
4 request corrections or clarifications.

5 “(3) STATE AND LOCAL OFFICIALS.—State and
6 local safety and enforcement officials shall have ac-
7 cess to data made available under this subsection to
8 the same extent as Federal safety and enforcement
9 officials.”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 31107 is amended to read as follows:

12 **“§ 31107. Authorization of appropriations for infor-**
13 **mation systems**

14 “(a) IN GENERAL.—There shall be available from the
15 Highway Trust Fund (other than the Mass Transit Ac-
16 count) to carry out sections 31106 and 31309 of this
17 title—

18 “(1) \$7,000,000 for fiscal year 1998;

19 “(2) \$15,000,000 for fiscal year 1999; and

20 “(3) \$20,000,000 for fiscal year 2000.

21 The amounts made available under this subsection shall
22 remain available until expended.

23 “(b) CONTRACT AUTHORITY.—Approval by the Sec-
24 retary of a grant with funds made available under this
25 section imposes upon the United States Government a

1 contractual obligation for payment of the Government's
 2 share of costs incurred in carrying out the objectives of
 3 the grant.”.

4 (c) SUBCHAPTER HEADING.—The heading for sub-
 5 chapter I of chapter 311 is amended by inserting after
 6 “GRANTS” the following: “AND OTHER COMMER-
 7 CIAL MOTOR VEHICLE PROGRAMS”.

8 (d) CONFORMING AMENDMENTS.—The table of sec-
 9 tions for chapter 311 is amended—

10 (1) by striking

“SUBCHAPTER I—STATE GRANTS”

11 and inserting

“SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL
 MOTOR VEHICLE PROGRAMS”;

12 (2) by striking the item relating to section
 13 31106 and inserting the following:

“31106. Information systems.”; and

14 (3) by striking the item relating to section
 15 31107 and inserting the following:

“31107. Authorization of appropriations for information systems.”.

16 **SEC. 404. AUTOMOBILE TRANSPORTER DEFINED.**

17 Section 31111(a) is amended—

18 (1) by striking “section—” and inserting “sec-
 19 tion, the following definitions apply.”;

20 (2) by inserting after “(1)” the following:

21 “MAXI-CUBE VEHICLE.—The term”;

1 (3) by inserting after “(2)” the following:

2 “TRUCK TRACTOR.—The term”;

3 (4) by redesignating paragraphs (1) and (2) as
4 paragraphs (2) and (3), respectively; and

5 (5) by inserting before paragraph (2), as so re-
6 designated, the following:

7 “(1) AUTOMOBILE TRANSPORTER.—The term
8 ‘automobile transporter’ means any vehicle combina-
9 tion designed and used specifically for the transport
10 of assembled highway vehicles.”.

11 **SEC. 405. INSPECTIONS AND REPORTS.**

12 (a) GENERAL POWERS OF THE SECRETARY.—Sec-
13 tion 31133(a)(1) is amended by inserting “and make con-
14 tracts for” after “conduct”.

15 (b) REPORTS AND RECORDS.—Section 504(c) is
16 amended by inserting “(and, in the case of a motor car-
17 rier, a contractor)” before the second comma.

18 **SEC. 406. EXEMPTIONS AND PILOT PROGRAMS.**

19 (a) IN GENERAL.—Section 31315 is amended to read
20 as follows:

21 **“§ 31315. Exemptions and pilot programs**

22 “(a) EXEMPTIONS.—

23 “(1) IN GENERAL.—Upon receipt of a request
24 pursuant to paragraph (3), the Secretary of Trans-
25 portation may grant to a person or class of persons

1 an exemption from a regulation prescribed under
2 this chapter or section 31136 if the Secretary finds
3 such exemption would likely achieve a level of safety
4 equal to or greater than the level that would be
5 achieved absent such exemption. An exemption may
6 be granted for no longer than 2 years from its ap-
7 proval date. A person may request a renewal of an
8 exemption.

9 “(2) AUTHORITY TO REVOKE EXEMPTION.—
10 The Secretary shall immediately revoke an exemp-
11 tion if the person fails to comply with the terms and
12 conditions of such exemption or if continuation of
13 the exemption would not be consistent with the goals
14 and objectives of this chapter or section 31136, as
15 the case may be.

16 “(3) REQUESTS FOR EXEMPTION.—Not later
17 than 180 days after the date of the enactment of
18 this section and after notice and an opportunity for
19 public comment, the Secretary shall specify by regu-
20 lation the procedures by which a person may request
21 an exemption. Such regulations shall, at a minimum,
22 require the person to provide the following informa-
23 tion for each exemption request:

24 “(A) The provisions from which the person
25 requests exemption.

1 “(B) The time period during which the ex-
2 emption would apply.

3 “(C) An analysis of the safety impacts the
4 exemption may cause.

5 “(D) The specific countermeasures the
6 person would undertake, if the exemption were
7 granted, to ensure an equal or greater level of
8 safety than would be achieved absent the ex-
9 emption.

10 “(4) NOTICE AND COMMENT.—

11 “(A) UPON RECEIPT OF A REQUEST.—
12 Upon receipt of an exemption request, the Sec-
13 retary shall publish in the Federal Register a
14 notice explaining the request that has been filed
15 and shall give the public an opportunity to in-
16 spect the safety analysis and any other relevant
17 information known to the Secretary and to com-
18 ment on the request. This subparagraph does
19 not require the release of information protected
20 by law from public disclosure.

21 “(B) UPON GRANTING A REQUEST.—Upon
22 granting a request for exemption, the Secretary
23 shall publish in the Federal Register the name
24 of the person granted the exemption, the provi-
25 sions from which the person will be exempt, the

1 effective period, and all terms and conditions of
2 the exemption.

3 “(C) UPON DENYING A REQUEST.—Upon
4 denying a request for exemption, the Secretary
5 shall publish in the Federal Register the name
6 of the person denied the exemption and the rea-
7 sons for such denial.

8 “(5) APPLICATIONS TO BE DEALT WITH
9 PROMPTLY.—The Secretary shall grant or deny an
10 exemption request after a thorough review of its
11 safety implications, but in no case later than 180
12 days after the filing date of such request, or the Sec-
13 retary shall publish in the Federal Register the rea-
14 son for the delay in decision and an estimate of
15 when the decision will be made.

16 “(6) TERMS AND CONDITIONS.—The Secretary
17 shall establish terms and conditions for each exemp-
18 tion to ensure that it will likely achieve a level of
19 safety equal to or greater than the level that would
20 be achieved absent such exemption. The Secretary
21 shall monitor the implementation of the exemption
22 to ensure compliance with its terms and conditions.

23 “(7) NOTIFICATION OF STATE COMPLIANCE
24 AND ENFORCEMENT PERSONNEL.—Before granting
25 a request for exemption, the Secretary shall notify

1 State safety compliance and enforcement personnel,
2 including roadside inspectors, and the public that a
3 person will be operating pursuant to an exemption
4 and any terms and conditions that will apply to the
5 exemption.

6 “(b) PILOT PROGRAMS.—

7 “(1) IN GENERAL.—The Secretary may conduct
8 pilot programs to evaluate innovative approaches to
9 motor carrier, vehicle, and driver safety. Such pilot
10 programs may include exemptions from a regulation
11 prescribed under this chapter or section 31136 if the
12 pilot program contains, at a minimum, the elements
13 described in paragraph (2). The Secretary shall pub-
14 lish in the Federal Register a detailed description of
15 the program and the exemptions to be considered
16 and provide notice and an opportunity for public
17 comment before the effective date of any exemptions.

18 “(2) PROGRAM ELEMENTS.—In proposing a
19 pilot program and before granting exemptions for
20 purposes of a pilot program, the Secretary shall in-
21 clude, at a minimum, the following elements in each
22 pilot program plan:

23 “(A) A program scheduled life of not more
24 than 3 years.

1 “(B) A scientifically valid methodology and
2 study design, including a specific data collection
3 and analysis plan, that identifies appropriate
4 control groups for comparison.

5 “(C) The fewest participants necessary to
6 yield statistically valid findings.

7 “(D) Observance of appropriate ethical
8 protocols for the use of human subjects in field
9 experiments.

10 “(E) An oversight plan to ensure that par-
11 ticipants comply with the terms and conditions
12 of participation.

13 “(F) Adequate countermeasures to protect
14 the health and safety of study participants and
15 the general public.

16 “(G) A plan to inform State partners and
17 the public about the pilot program and to iden-
18 tify approved participants to safety compliance
19 and enforcement personnel and to the public.

20 “(3) AUTHORITY TO REVOKE PARTICIPATION.—

21 The Secretary shall immediately revoke participation
22 in a pilot program of a motor carrier, vehicle, or
23 driver for failure to comply with the terms and con-
24 ditions of the pilot program or if continued partici-
25 pation would not be consistent with the goals and

1 objectives of this chapter or section 31136, as the
2 case may be.

3 “(4) AUTHORITY TO TERMINATE PROGRAM.—
4 The Secretary shall immediately terminate a pilot
5 program if its continuation would not be consistent
6 with the goals and objectives of this chapter or sec-
7 tion 31136, as the case may be.

8 “(5) REPORT TO CONGRESS.—At the conclusion
9 of each pilot program, the Secretary shall promptly
10 report to Congress the findings, conclusions, and
11 recommendations of the program, including sug-
12 gested amendments to law or regulation that would
13 enhance motor carrier, vehicle, and driver safety and
14 improve compliance with national safety standards.

15 “(c) PREEMPTION OF STATE RULES.—During the
16 time period that an exemption or pilot program is in effect
17 under this section, no State shall enforce any law or regu-
18 lation that conflicts with or is inconsistent with an exemp-
19 tion or pilot program with respect to a person exercising
20 the exemption or participating in the pilot program.”.

21 (b) TABLE OF SECTIONS.—The table of sections for
22 chapter 313 is amended by striking the item relating to
23 section 31315 and inserting the following:

“31315. Exemptions and pilot programs.”.

24 (c) CONFORMING AMENDMENT.—Section 31136(e) is
25 amended to read as follows:

1 “(e) EXEMPTIONS.—The Secretary may grant ex-
2 emptions from any regulation prescribed under this sec-
3 tion in accordance with section 31315.”.

4 (d) PROTECTION OF EXISTING EXEMPTIONS.—The
5 amendments made by subsections (a) and (c) of this sec-
6 tion shall not apply to or otherwise affect an exemption
7 or waiver in effect on the day before the date of the enact-
8 ment of this Act under section 31315 or 31136(e) of title
9 49, United States Code.

10 **SEC. 407. SAFETY REGULATION.**

11 (a) COMMERCIAL MOTOR VEHICLE DEFINED.—Sec-
12 tion 31132(1)(A) is amended—

13 (1) by inserting “or gross vehicle weight” after
14 “rating”;

15 (2) by inserting “, whichever is greater” after
16 “pounds”.

17 (b) REPEAL OF REVIEW PANEL.—Section 31134,
18 and the item relating to such section in the table of sec-
19 tions for chapter 311, are repealed.

20 (c) REPEAL OF SUBMISSION TO REVIEW PANEL.—
21 Section 31140, and the item relating to such section in
22 the table of sections for chapter 311, are repealed.

23 (d) REVIEW PROCEDURE.—Section 31141 is amend-
24 ed—

1 (1) by striking subsections (b) and (c) and in-
2 serting the following:

3 “(b) SUBMISSION OF REGULATION.—A State that
4 enacts a State law or issues a regulation on commercial
5 motor vehicle safety shall submit a copy of the law or regu-
6 lation to the Secretary of Transportation immediately
7 after the enactment or issuance.

8 “(c) REVIEW AND DECISIONS BY SECRETARY.—

9 “(1) REVIEW.—The Secretary shall review
10 State laws and regulations on commercial motor ve-
11 hicle safety. The Secretary shall decide whether the
12 State law or regulation—

13 “(A) has the same effect as a regulation
14 prescribed by the Secretary under section
15 31136;

16 “(B) is less stringent than such regulation;
17 or

18 “(C) is additional to or more stringent
19 than such regulation.

20 “(2) REGULATIONS WITH SAME EFFECT.—If
21 the Secretary decides a State law or regulation has
22 the same effect as a regulation prescribed by the
23 Secretary under section 31136 of this title, the State
24 law or regulation may be enforced.

1 “(3) LESS STRINGENT REGULATIONS.—If the
2 Secretary decides a State law or regulation is less
3 stringent than a regulation prescribed by the Sec-
4 retary under section 31136 of this title, the State
5 law or regulation may not be enforced.

6 “(4) ADDITIONAL OR MORE STRINGENT REGU-
7 LATIONS.—If the Secretary decides a State law or
8 regulation is additional to or more stringent than a
9 regulation prescribed by the Secretary under section
10 31136 of this title, the State law or regulation may
11 be enforced unless the Secretary also decides that—

12 “(A) the State law or regulation has no
13 safety benefit;

14 “(B) the State law or regulation is incom-
15 patible with the regulation prescribed by the
16 Secretary; or

17 “(C) enforcement of the State law or regu-
18 lation would cause an unreasonable burden on
19 interstate commerce.

20 “(5) CONSIDERATION OF EFFECT ON INTER-
21 STATE COMMERCE.—In deciding under paragraph
22 (4) whether a State law or regulation will cause an
23 unreasonable burden on interstate commerce, the
24 Secretary may consider the effect on interstate com-
25 merce of implementation of that law or regulation

1 with the implementation of all similar laws and reg-
 2 ulations of other States.”;

3 (2) by striking subsection (e); and

4 (3) by redesignating subsections (f), (g), and
 5 (h) as subsections (e), (f), and (g), respectively.

6 (e) INSPECTION OF SAFETY EQUIPMENT.—Section
 7 31142(a) is amended by striking “part 393 of title 49,
 8 Code of Federal Regulations” and inserting “the regula-
 9 tions issued under section 31136”.

10 (f) PROTECTION OF STATES PARTICIPATING IN
 11 STATE GROUPS.—Section 31142(c)(1)(C) is amended—

12 (1) by inserting after “from” the following:
 13 “participating in the activities of a voluntary group
 14 of States”; and

15 (2) by striking “that meets” and all that fol-
 16 lows through “1984”.

17 **SEC. 408. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS**
 18 **AUTHORITIES.**

19 Subchapter IV of chapter 311 (including sections
 20 31161 and 31162), and the items relating to such sub-
 21 chapter and sections in the table of sections for chapter
 22 311, are repealed.

23 **SEC. 409. COMMERCIAL VEHICLE OPERATORS.**

24 (a) COMMERCIAL MOTOR VEHICLE DEFINED.—Sec-
 25 tion 31301(4) is amended—

1 (1) in subparagraph (A)—

2 (A) by inserting “or gross vehicle weight”

3 after “rating” the first 2 places it appears; and

4 (B) by inserting “, whichever is greater,”

5 after “pounds” the first place it appears; and

6 (2) in subparagraph (C)(ii) by inserting “is”

7 before “transporting” each place it appears.

8 (b) PROHIBITION ON CMV OPERATION WITHOUT

9 CDL.—

10 (1) IN GENERAL.—Section 31302 is amended

11 to read as follows:

12 **“§ 31302. Driver’s license requirement**

13 “An individual may operate a commercial motor vehi-

14 cle only if the individual has a valid commercial driver’s

15 license. An individual operating a commercial motor vehi-

16 cle may have only one driver’s license at any time.”.

17 (2) CONFORMING AMENDMENT.—The item re-

18 lating to section 31302 in the table of sections for

19 chapter 313 is amended to read as follows:

“31302. Driver’s license requirement.”.

20 (c) UNIQUE IDENTIFIERS IN CDLS.—

21 (1) IN GENERAL.—Section 31308(2) is amend-

22 ed by inserting before the semicolon “and each li-

23 cense issued after January 1, 2000, include unique

24 identifiers to minimize fraud and duplication”.

1 (2) DEADLINE FOR ISSUANCE OF REGULA-
2 TIONS.—Not later than 180 days after the date of
3 the enactment of this Act, the Secretary shall issue
4 regulations to carry out the amendment made by
5 paragraph (1).

6 (d) COMMERCIAL DRIVER’S LICENSE INFORMATION
7 SYSTEM.—Section 31309 is amended—

8 (1) in subsection (a) by striking “make an
9 agreement under subsection (b) of this section for
10 the operation of, or establish under subsection (c) of
11 this section,” and inserting “maintain”;

12 (2) by inserting after the first sentence of sub-
13 section (a) the following: “The system shall be co-
14 ordinated with activities carried out under section
15 31106.”;

16 (3) by striking subsections (b) and (c);

17 (4) in subsection (d)(1)—

18 (A) by striking “and” at the end of sub-
19 paragraph (E);

20 (B) by striking the period at the end of
21 subparagraph (F) and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(G) information on all fines, penalties, convic-
24 tions, and failure to appear for a hearing or trial in-
25 curred by the operator with respect to operation of

1 a motor vehicle for a period of not less than 3 years
2 beginning on the date of the imposition of such a
3 fine or penalty or the date of such a conviction or
4 failure to appear.”;

5 (5) by striking subsection (d)(2) and inserting
6 the following:

7 “(2) The information system under this section must
8 accommodate any unique identifiers required to minimize
9 fraud or duplication of a commercial driver’s license under
10 section 31308(2).”;

11 (6) by striking subsection (e) and inserting the
12 following:

13 “(e) AVAILABILITY OF INFORMATION.—Information
14 in the information system shall be made available in ac-
15 cordance with section 31106(e).”;

16 (7) in subsection (f) by striking “If the Sec-
17 retary establishes an information system under this
18 section, the” and inserting “The”;

19 (8) by striking “shall” in the first sentence of
20 subsection (f) and inserting “may”; and

21 (9) by redesignating subsections (d), (e), and
22 (f) as subsections (b), (c), and (d), respectively.

23 (e) REPEAL OF OBSOLETE GRANT PROGRAMS.—Sec-
24 tions 31312 and 31313, and the items relating to such

1 sections in the table of sections for chapter 313, are re-
2 pealed.

3 (f) UPDATING AMENDMENTS.—Section 31314 is
4 amended—

5 (1) by striking “(2), (5), and (6)” each place it
6 appears in subsections (a) and (b) and inserting
7 “(3), and (5)”;

8 (2) in subsection (c) by striking “(1) Amounts”
9 and all that follows through “(2) Amounts” and in-
10 serting “Amounts”;

11 (3) by striking subsection (d); and

12 (4) by redesignating subsection (e) as sub-
13 section (d).

14 **SEC. 410. INTERIM BORDER SAFETY IMPROVEMENT PRO-**
15 **GRAM.**

16 (a) PROGRAM.—The Secretary shall carry out a pro-
17 gram to improve commercial motor vehicle safety in the
18 vicinity of borders between the United States and Canada
19 and the United States and Mexico.

20 (b) GRANT AND OTHER AUTHORITY.—The Secretary
21 may expend funds made available to carry out this sec-
22 tion—

23 (1) for making grants to border States, local
24 governments, organizations, and other persons to
25 carry out activities described in subsection (c);

1 (2) for personnel of the Department of Trans-
2 portation to conduct such activities; and

3 (3) for entry into contracts for the conduct of
4 such activities.

5 (c) USE OF FUNDS.—Activities for which funds may
6 be expended under this section include—

7 (1) employment by the Department of Trans-
8 portation or a border State of additional personnel
9 to enforce commercial motor vehicle safety regula-
10 tions described in subsection (a);

11 (2) training of personnel to enforce such regula-
12 tions;

13 (3) development of data bases and communica-
14 tion systems to improve commercial motor vehicle
15 safety; and

16 (4) education and outreach initiatives.

17 (d) CRITERIA.—In selecting activities and projects
18 for funding under this section, the Secretary shall consider
19 current levels of enforcement by border States, cross bor-
20 der traffic patterns (including volume of commercial motor
21 vehicle traffic), location of inspection facilities, and such
22 other factors as the Secretary determines will result in the
23 greatest safety improvement and benefit to border States
24 and the Nation.

25 (e) FEDERAL SHARE.—

1 (1) IN GENERAL.—The Federal share payable
2 under a grant made under this section for—

3 (A) any activity described in paragraph
4 (2), (3), or (4) of subsection (c) shall be 80 per-
5 cent; and

6 (B) any activity described in subsection
7 (c)(1) shall be—

8 (i) 80 percent for the first 2 years
9 that a State receives a grant under this
10 section for such activity; and

11 (ii) 50 percent for the third year that
12 a State receives a grant under this section
13 for such activity.

14 (2) IN-KIND CONTRIBUTIONS.—In determining
15 the non-Federal costs under paragraph (1), the Sec-
16 retary shall include in-kind contributions by the
17 grant recipient.

18 (f) MAINTENANCE OF EFFORT.—A grant may not be
19 made to a State under this section for an activity de-
20 scribed in subsection (c)(1) in any fiscal year unless the
21 State enters into such agreements with the Secretary as
22 the Secretary may require to ensure that the State will
23 maintain its aggregate expenditures from all other sources
24 for employment of personnel to enforce commercial motor
25 vehicle safety regulations in the vicinity of the border at

1 or above the average level of such expenditures in the
2 State's 2 fiscal years preceding the date of the enactment
3 of this section.

4 (g) FUNDING.—Of amounts made available to carry
5 out the coordinated border infrastructure and safety pro-
6 gram under section 116 of this Act, \$20,000,000 for fiscal
7 year 1998 and \$15,000,000 per fiscal year for fiscal years
8 1999 and 2000 shall be available to carry out this section.

9 (h) BORDER STATE DEFINED.—In this section, the
10 term “border State” means any State that has a boundary
11 in common with Canada or Mexico.

12 **SEC. 411. VEHICLE WEIGHT ENFORCEMENT.**

13 (a) STUDY.—The Secretary shall conduct a study of
14 State laws and regulations pertaining to penalties for vio-
15 lation of State commercial motor vehicle weight laws.

16 (b) PURPOSE.—The purpose of the study shall be to
17 determine the effectiveness of State penalties as a deter-
18 rent to illegally overweight trucking operations. The study
19 shall evaluate fine structures, innovative roadside enforce-
20 ment techniques, a State's ability to penalize shippers and
21 carriers as well as drivers, and shall examine the effective-
22 ness of administrative and judicial procedures utilized to
23 enforce vehicle weight laws.

24 (c) REPORT.—Not later than 2 years after the date
25 of the enactment of this Act, the Secretary shall transmit

1 to Congress a report on the results of the study conducted
2 under this section, together with any legislative rec-
3 ommendations of the Secretary.

4 (d) FUNDING.—From amounts made available under
5 subparagraphs (F) through (I) of section 127(a)(3) of this
6 Act, the Secretary may use not to exceed \$300,000 to
7 carry out this section.

8 **SEC. 412. PARTICIPATION IN INTERNATIONAL REGISTRA-**
9 **TION PLAN AND INTERNATIONAL FUEL TAX**
10 **AGREEMENT.**

11 Sections 31702, 31703, and 31708, and the items re-
12 lating to such sections in the table of sections for chapter
13 317, are repealed.

14 **SEC. 413. TELEPHONE HOTLINE FOR REPORTING SAFETY**
15 **VIOLATIONS.**

16 (a) IN GENERAL.—For a period of not less than 2
17 years beginning on or before the 90th day following the
18 date of the enactment of this Act, the Secretary shall es-
19 tablish, maintain, and promote the use of a nationwide
20 toll-free telephone system to be used by drivers of commer-
21 cial motor vehicles and others to report potential violations
22 of Federal motor carrier safety regulations and any laws
23 or regulations relating to the safe operation of commercial
24 motor vehicles.

1 (b) MONITORING.—The Secretary shall monitor re-
2 ports received by the telephone system and shall consider
3 information provided by such reports in setting priorities
4 for motor carrier safety audits and other enforcement ac-
5 tivities.

6 (c) PROTECTION OF PERSONS REPORTING VIOLA-
7 TIONS.—

8 (1) PROHIBITION.—A person reporting a poten-
9 tial violation to the telephone system may not be dis-
10 charged, disciplined, or discriminated against re-
11 garding pay, terms, or privileges of employment be-
12 cause of the reporting of such violation.

13 (2) APPLICABILITY OF SECTION 31105 OF TITLE
14 49.—For purposes of section 31105 of title 49, Unit-
15 ed States Code, a violation or alleged violation of
16 paragraph (1) shall be treated as a violation of sec-
17 tion 31105(a) of such title.

18 (d) FUNDING.—From amounts set aside under sec-
19 tion 104(a) of title 23, United States Code, the Secretary
20 may use not to exceed \$300,000 per fiscal year for fiscal
21 years 1998 through 2000 to carry out this section.

22 **SEC. 414. INSULIN TREATED DIABETES MELLITUS.**

23 (a) DETERMINATION.—Not later than 18 months
24 after the date of the enactment of this Act, the Secretary
25 shall determine whether a practicable and cost-effective

1 screening, operating, and monitoring protocol could likely
2 be developed for insulin treated diabetes mellitus individ-
3 uals who want to operate commercial motor vehicles in
4 interstate commerce that would ensure a level of safety
5 equal to or greater than that achieved with the current
6 prohibition on individuals with insulin treated diabetes
7 mellitus driving such vehicles.

8 (b) COMPILATION AND EVALUATION.—Prior to mak-
9 ing the determination in subsection (a), the Secretary
10 shall compile and evaluate research and other information
11 on the effects of insulin treated diabetes mellitus on driv-
12 ing performance. In preparing the compilation and evalua-
13 tion, the Secretary shall, at a minimum—

14 (1) consult with States that have developed and
15 are implementing a screening process to identify in-
16 dividuals with insulin treated diabetes mellitus who
17 may obtain waivers to drive commercial motor vehi-
18 cles in intrastate commerce;

19 (2) evaluate the Department’s policy and ac-
20 tions to permit certain insulin treated diabetes
21 mellitus individuals who meet selection criteria and
22 who successfully comply with the approved monitor-
23 ing protocol to operate in other modes of transpor-
24 tation;

1 (3) analyze available data on the safety per-
2 formance of diabetic drivers of motor vehicles;

3 (4) assess the relevance of intrastate driving
4 and experiences of other modes of transportation to
5 interstate commercial motor vehicle operations; and

6 (5) consult with interested groups knowledgeable
7 about diabetes and related issues.

8 (c) REPORT TO CONGRESS.—If the Secretary deter-
9 mines that no protocol described in subsection (a) could
10 likely be developed, the Secretary shall report to Congress
11 the basis for such determination.

12 (d) INITIATION OF RULEMAKING.—If the Secretary
13 determines that a protocol described in subsection (a)
14 could likely be developed, the Secretary shall report to
15 Congress a description of the elements of such protocol
16 and shall promptly initiate a rulemaking proceeding to im-
17 plement such protocol.

18 **SEC. 415. PERFORMANCE-BASED CDL TESTING.**

19 (a) REVIEW.—Not later than 1 year after the date
20 of the enactment of this Act, the Secretary shall complete
21 a review of the procedures established and implemented
22 by States under section 31305 of title 49, United States
23 Code, to determine if the current system for testing is an
24 accurate measure and reflection of an individual's knowl-
25 edge and skills as an operator of a commercial motor vehi-

1 cle and to identify methods to improve testing and licens-
2 ing standards, including identifying the benefits and costs
3 of a graduated licensing system.

4 (b) REGULATIONS.—Not later than 1 year after the
5 date of completion of the review under subsection (a), the
6 Secretary shall issue regulations under section 31305 re-
7 flecting the results of the review.

8 **SEC. 416. POSTACCIDENT ALCOHOL TESTING.**

9 (a) STUDY.—The Secretary shall conduct a study of
10 the feasibility of utilizing emergency responders and law
11 enforcement officers for conducting postaccident alcohol
12 testing of commercial motor vehicle operators under sec-
13 tion 31306 of title 49, United States Code, as a method
14 of obtaining more timely information and reducing the
15 burdens that employers may encounter in meeting the
16 testing requirements of such section.

17 (b) REPORT.—Not later than 18 months after the
18 date of the enactment of this Act, the Secretary shall
19 transmit to Congress a report on the study conducted
20 under subsection (a) with recommendations regarding the
21 utilization of emergency responders and law enforcement
22 officers in conducting testing described in subsection (a).

1 **SEC. 417. TECHNOLOGIES TO REDUCE FATIGUE OF COM-**
2 **MERCIAL MOTOR VEHICLE OPERATORS.**

3 (a) DEVELOPMENT OF TECHNOLOGIES.—As part of
4 the activities of the Secretary relating to the fatigue of
5 commercial motor vehicle operators, the Secretary shall
6 encourage the research, development, and demonstration
7 of technologies that may aid in reducing such fatigue.

8 (b) IDENTIFICATION OF TECHNOLOGIES.—In identi-
9 fying technologies pursuant to subsection (a), the Sec-
10 retary shall take into account—

11 (1) the degree to which the technology will be
12 cost efficient;

13 (2) the degree to which the technology can be
14 effectively used in diverse climatic regions of the Na-
15 tion; and

16 (3) the degree to which the application of the
17 technology will further emissions reductions, energy
18 conservation, and other transportation goals.

19 (c) FUNDING.—The Secretary may use amounts
20 made available under subparagraphs (F) through (I) of
21 section 127(a)(3) of this Act to carry out this section.

22 **SEC. 418. SAFETY FITNESS.**

23 (a) IN GENERAL.—Section 31144 is amended to read
24 as follows:

25 **“§ 31144. Safety fitness of owners and operators**

26 **“(a) IN GENERAL.—The Secretary shall—**

1 “(1) determine whether an owner or operator is
2 fit to operate safely commercial motor vehicles;

3 “(2) periodically update such safety fitness de-
4 terminations;

5 “(3) make such safety fitness determinations
6 readily available to the public; and

7 “(4) prescribe by regulation penalties for viola-
8 tions of this section consistent with section 521.

9 “(b) PROCEDURE.—The Secretary shall maintain by
10 regulation a procedure for determining whether an owner
11 or operator is fit to operate safely commercial motor vehi-
12 cles. The procedure shall include, at a minimum, the fol-
13 lowing elements:

14 “(1) Specific initial and continuing require-
15 ments with which an owner or operator must comply
16 to demonstrate safety fitness.

17 “(2) A methodology the Secretary will use to
18 determine whether an owner or operator is fit.

19 “(3) Specific time frames within which the Sec-
20 retary will determine whether an owner or operator
21 is fit.

22 “(c) PROHIBITED TRANSPORTATION.—

23 “(1) IN GENERAL.—Except as provided in sec-
24 tions 521(b)(5)(A) and 5113 and this subsection, an
25 owner or operator who the Secretary determines is

1 not fit may not operate commercial motor vehicles in
2 interstate commerce beginning on the 61st day after
3 the date of such fitness determination and until the
4 Secretary determines such owner or operator is fit.

5 “(2) OWNERS OR OPERATORS TRANSPORTING
6 PASSENGERS.—With regard to owners or operators
7 of commercial motor vehicles designed or used to
8 transport passengers, an owner or operator who the
9 Secretary determines is not fit may not operate in
10 interstate commerce beginning on the 46th day after
11 the date of such fitness determination and until the
12 Secretary determines such owner or operator is fit.

13 “(3) OWNERS OR OPERATORS TRANSPORTING
14 HAZARDOUS MATERIAL.—With regard to owners or
15 operators of commercial motor vehicles designed or
16 used to transport hazardous material for which
17 placarding of a motor vehicle is required under regu-
18 lations prescribed under chapter 51, an owner or op-
19 erator who the Secretary determines is not fit may
20 not operate in interstate commerce beginning on the
21 46th day after the date of such fitness determination
22 and until the Secretary determines such owner or
23 operator is fit.

24 “(4) SECRETARY’S DISCRETION.—Except for
25 owners or operators described in paragraphs (2) and

1 (3), the Secretary may allow an owner or operator
2 who is not fit to continue operating for an additional
3 60 days after the 61st day after the date of the Sec-
4 retary's fitness determination, if the Secretary deter-
5 mines that such owner or operator is making a good
6 faith effort to become fit.

7 “(d) REVIEW OF FITNESS DETERMINATIONS.—

8 “(1) IN GENERAL.—Not later than 45 days
9 after an unfit owner or operator requests a review,
10 the Secretary shall review such owner's or operator's
11 compliance with those requirements with which the
12 owner or operator failed to comply and resulted in
13 the Secretary determining that the owner or opera-
14 tor was not fit.

15 “(2) OWNERS OR OPERATORS TRANSPORTING
16 PASSENGERS.—Not later than 30 days after an unfit
17 owner or operator of commercial motor vehicles de-
18 signed or used to transport passengers requests a re-
19 view, the Secretary shall review such owner's or op-
20 erator's compliance with those requirements with
21 which the owner or operator failed to comply and re-
22 sulted in the Secretary determining that the owner
23 or operator was not fit.

24 “(3) OWNERS OR OPERATORS TRANSPORTING
25 HAZARDOUS MATERIAL.—Not later than 30 days

1 after an unfit owner or operator of commercial
2 motor vehicles designed or used to transport hazard-
3 ous material for which placarding of a motor vehicle
4 is required under regulations prescribed under chap-
5 ter 51, the Secretary shall review such owner’s or
6 operator’s compliance with those requirements with
7 which the owner or operator failed to comply and re-
8 sulted in the Secretary determining that the owner
9 or operator was not fit.

10 “(e) PROHIBITED GOVERNMENT USE.—A depart-
11 ment, agency, or instrumentality of the United States
12 Government may not use to provide any transportation
13 service an owner or operator who the Secretary has deter-
14 mined is not fit until the Secretary determines such owner
15 or operator is fit.”.

16 (b) CONFORMING AMENDMENT.—Section 5113 is
17 amended by striking subsections (a), (b), (c), and (d) and
18 inserting the following:

19 “See section 31144.”.

20 **SEC. 419. HAZARDOUS MATERIALS TRANSPORTATION REG-**
21 **ULATION AND FARM SERVICE VEHICLES.**

22 (a) EXCEPTIONS.—Section 5117(d)(2) is amended—

23 (1) by striking “do not prohibit”;

24 (2) in subparagraph (A)—

1 (A) by inserting “do not prohibit” before
2 “or regulate”; and

3 (B) by striking “or” the last place it ap-
4 pears;

5 (3) in subparagraph (B) by inserting “do not
6 prohibit” before “transportation”;

7 (4) by striking the period at the end of sub-
8 paragraph (B) and inserting “; or”; and

9 (5) by adding at the end the following:

10 “(C) do not prohibit a State from provid-
11 ing an exception from requirements relating to
12 placarding, shipping papers, and emergency
13 telephone numbers for the private motor car-
14 riage in intrastate transportation of an agricul-
15 tural production material from a source of sup-
16 ply to a farm, from a farm to another farm,
17 from a field to another field on a farm, or from
18 the farm back to the source of supply.

19 In granting any exception under subparagraph (C), a
20 State must certify to the Secretary that such exception
21 is in the public interest, the need for such exception, and
22 that the State shall monitor the exception and take such
23 measures necessary to ensure that safety is not com-
24 promised.”.

1 (b) AGRICULTURAL PRODUCTION MATERIAL DE-
 2 FINED.—Section 5117 is amended by adding at the end
 3 the following:

4 “(f) AGRICULTURAL PRODUCTION MATERIAL DE-
 5 FINED.—In this section, the term ‘agricultural production
 6 material’ means—

7 “(1) ammonium nitrate fertilizer in a quantity
 8 that does not exceed 16,094 pounds;

9 “(2) a pesticide in a quantity that does not ex-
 10 ceed 502 gallons for liquids and 5,070 pounds for
 11 solids; and

12 “(3) a diluted solution of water and pesticides
 13 or fertilizer in a quantity that does not exceed 3,500
 14 gallons.”.

15 **TITLE V—PROGRAMMATIC** 16 **REFORMS AND STREAMLINING**

17 **SEC. 501. PROJECT APPROVAL AND OVERSIGHT.**

18 (a) IN GENERAL.—Section 106 is amended—

19 (1) by redesignating subsections (e) and (f) as
 20 (g) and (h), respectively; and

21 (2) by striking the section heading and all that
 22 follows through the period at the end of subsection
 23 (d) and inserting the following:

24 **“§ 106. Project approval and oversight**

25 “(a) IN GENERAL.—

1 “(1) SUBMISSION OF PLANS, SPECIFICATIONS,
2 AND ESTIMATES.—Except as otherwise provided in
3 this section, each State highway department shall
4 submit to the Secretary for approval such plans,
5 specifications, and estimates for each proposed
6 project as the Secretary may require.

7 “(2) PROJECT AGREEMENT.—The Secretary
8 shall act upon the plans, specifications, and esti-
9 mates as soon as practicable after the date of their
10 submission and shall enter into a formal project
11 agreement with the State highway department for-
12 malizing the conditions of the project approval.

13 “(3) CONTRACTUAL OBLIGATION.—The execu-
14 tion of the project agreement shall be deemed a con-
15 tractual obligation of the Federal Government for
16 the payment of its proportional contribution thereto.

17 “(4) GUIDANCE.—In taking action under this
18 subsection, the Secretary shall be guided by the pro-
19 visions of section 109.

20 “(b) PROJECT AGREEMENT.—

21 “(1) PROVISION OF STATE FUNDS.—The
22 project agreement shall make provision for State
23 funds required for the State’s pro rata share of the
24 cost of construction of the project and for the main-

1 tenance of the project after completion of construc-
2 tion.

3 “(2) REPRESENTATIONS OF STATE.—The Sec-
4 retary may rely upon representations made by the
5 State highway department with respect to the ar-
6 rangements or agreements made by the State high-
7 way department and appropriate local officials if a
8 part of the project is to be constructed at the ex-
9 pense of, or in cooperation with, local subdivisions of
10 the State.

11 “(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

12 “(1) NHS PROJECTS.—

13 “(A) GENERAL AUTHORITY.—Except as
14 otherwise provided in subsection (d), the Sec-
15 retary may discharge to the State any of the
16 Secretary’s responsibilities under this title for
17 design, plans, specifications, estimates, contract
18 awards, and inspection of projects on the Na-
19 tional Highway System.

20 “(B) AGREEMENT.—The Secretary and
21 the State shall reach agreement as to the extent
22 the State may assume the Secretary’s respon-
23 sibilities under this subsection. The Secretary
24 may not assume any greater responsibility than
25 the Secretary is permitted under this title on

1 September 30, 1997, except upon agreement by
2 the Secretary and the State.

3 “(2) NON-INTERSTATE SYSTEM PROJECTS.—

4 For all projects under this title that are not on the
5 National Highway System, the State shall assume
6 the Secretary’s responsibility under this title for de-
7 sign, plans, specifications, estimates, contract
8 awards, and inspection of projects. For projects that
9 are on the National Highway System but not on the
10 Interstate System, the State shall assume the Sec-
11 retary’s responsibility under this title for design,
12 plans, specifications, estimates, contract awards, and
13 inspections of projects unless the State or the Sec-
14 retary determines that such assumption is not ap-
15 propriate.

16 “(d) SECRETARY’S RESPONSIBILITIES.—Nothing in
17 this section, section 133, and section 149 shall affect or
18 discharge any responsibility or obligation of the Secretary
19 under any Federal law, other than this title. Any respon-
20 sibility or obligation of the Secretary under sections 113
21 and 114 of this title and section 5333 of title 49, United
22 States Code, shall not be affected and may not be dis-
23 charged under this section, section 133, or section 149.”.

1 (b) REPEAL OF OBSOLETE PROVISIONS.—Sections
2 105, 110, and 117, and the items relating to such sections
3 in the table of sections for chapter 1, are repealed.

4 **SEC. 502. ENVIRONMENTAL STREAMLINING.**

5 (a) COORDINATED ENVIRONMENTAL REVIEW PROC-
6 ESS.—

7 (1) DEVELOPMENT AND IMPLEMENTATION.—

8 The Secretary shall develop and implement a coordi-
9 nated environmental review process for highway con-
10 struction projects that require—

11 (A) the preparation of an environmental
12 impact statement or environmental assessment
13 under the National Environmental Policy Act of
14 1969, except that the Secretary may decide not
15 to apply this section to the preparation of an
16 environmental assessment under such Act; or

17 (B) the conduct of any other environ-
18 mental review, analysis, opinion, or issuance of
19 an environmental permit, license, or approval by
20 operation of Federal law.

21 (2) MEMORANDUM OF UNDERSTANDING.—The
22 coordinated environmental review process for each
23 project shall ensure that, whenever practicable (as
24 set forth in this section), all environmental reviews,
25 analyses, opinions, and any permits, licenses, or ap-

1 provals that must be issued or made by any Federal
2 agency for the concerned highway project shall be
3 conducted concurrently and completed within a coop-
4 eratively determined time period. Such process for a
5 project or class of projects may be incorporated into
6 a memorandum of understanding between the De-
7 partment of Transportation and all other Federal
8 agencies (and, where appropriate, State agencies). In
9 establishing such time period and any time periods
10 for review within such period the Department and
11 all such agencies shall take into account their re-
12 spective resources and statutory commitments.

13 (b) ELEMENTS OF COORDINATED ENVIRONMENTAL
14 REVIEW PROCESS.—For each highway project, the coordi-
15 nated environmental review process established under this
16 section shall provide, at a minimum, for the following ele-
17 ments:

18 (1) AGENCY IDENTIFICATION.—The Secretary
19 shall, at the earliest possible time, identify all poten-
20 tial Federal agencies that—

21 (A) have jurisdiction by law over environ-
22 mental-related issues that may be affected by
23 the project and the analysis of which would be
24 part of any environmental document required

1 by the National Environmental Policy Act of
2 1969; or

3 (B) may be required by Federal law to
4 independently—

5 (i) conduct an environmental-related
6 review or analysis; or

7 (ii) determine whether to issue a per-
8 mit, license, or approval or render an opin-
9 ion on the environmental impact of the
10 project.

11 (2) TIME LIMITATIONS AND CONCURRENT RE-
12 VIEW.—The Secretary and the head of each Federal
13 agency identified under paragraph (1)—

14 (A)(i) shall jointly develop and establish
15 time periods for review for—

16 (I) all Federal agency comments with
17 respect to any environmental review docu-
18 ments required by the National Environ-
19 mental Policy Act of 1969 for the project;
20 and

21 (II) all other independent Federal
22 agency environmental analyses, reviews,
23 opinions, and decisions on any permits, li-
24 censes, and approvals that must be issued
25 or made for the project;

1 whereby each such Federal agency's review
2 shall be undertaken and completed within such
3 established time periods for review; or

4 (ii) may enter into an agreement to estab-
5 lish such time periods for review with respect to
6 a class of projects; and

7 (B) shall ensure, in establishing such time
8 periods for review, that the conduct of any such
9 analysis, review, opinion, and decision is under-
10 taken concurrently with all other environmental
11 reviews for the project, including those required
12 by the National Environmental Policy Act of
13 1969; except that such review may not be con-
14 current if the affected Federal agency can dem-
15 onstrate that such concurrent review would re-
16 sult in a significant adverse impact to the envi-
17 ronment or substantively alter the operation of
18 Federal law or would not be possible without in-
19 formation developed as part of the environ-
20 mental review process.

21 (3) FACTORS TO BE CONSIDERED.—Time peri-
22 ods for review established under this section shall be
23 consistent with those established by the Council on
24 Environmental Quality under the provisions of sec-

1 tions 1501.8 and 1506.10 of title 40, Code of Fed-
2 eral Regulations.

3 (4) EXTENSIONS.—The Secretary shall extend
4 any time periods for review under this section if,
5 upon good cause shown, the Secretary and any Fed-
6 eral agency concerned determine that additional time
7 for analysis and review is needed as a result of new
8 information which has been discovered that could
9 not reasonably have been anticipated when such
10 agency's time periods for review were established.
11 Any memorandum of understanding shall be modi-
12 fied to incorporate any mutually agreed upon exten-
13 sions.

14 (c) DISPUTE RESOLUTION.—When the Secretary de-
15 termines that a Federal agency which is subject to a time
16 period for its environmental review or analysis under this
17 section has failed to complete such review, analysis, opin-
18 ion, or decision on issuing any permit, license, or approval
19 within the established time period or within any agreed
20 upon extension to such time period, then the Secretary
21 may assume such agency's concurrence. If the Secretary
22 finds after timely compliance with this section, that an en-
23 vironmental issue related to the highway project that an
24 affected Federal agency has jurisdiction over by operation
25 of Federal law has not been resolved, then the Secretary

1 and the head of such agency shall resolve the matter with-
2 in 30 days of the finding by the Secretary.

3 (d) ACCEPTANCE OF PURPOSE AND NEED.—For any
4 environmental impact statement prepared pursuant to the
5 National Environmental Policy Act of 1969 or the conduct
6 of any other environmental review, analysis, opinion, or
7 issuance of an environmental permit, license, or approval
8 that requires an analysis of purpose and need, the agency
9 conducting such review with respect to the highway project
10 shall give due consideration to the project purpose and
11 need as defined by the Secretary and the project applicant.

12 (e) PARTICIPATION OF STATE AGENCIES.—For any
13 project eligible for assistance under chapter 1 of title 23,
14 United States Code, a State, by operation of State law,
15 may require that all State agencies that have jurisdiction
16 by State or Federal law over environmental-related issues
17 that may be affected by the project or must issue any envi-
18 ronmental-related reviews, analyses, opinions, or deter-
19 minations on issuing any permits, licenses, or approvals
20 for the project be subject to the coordinated environmental
21 review process provided for in this section unless the Sec-
22 retary determines that a State's participation would not
23 be in the public interest. For a State to require State
24 agencies to participate in the review process, all affected

1 agencies of such State shall be subject to the review proc-
2 ess.

3 (f) ASSISTANCE TO AFFECTED FEDERAL AGEN-
4 CIES.—The Secretary may approve a request by a State
5 to provide funds made available under chapter 1 of title
6 23, United States Code, to the State for the project sub-
7 ject to the review process established by this section to
8 affected Federal agencies to provide the resources nec-
9 essary to meet any time limits established by this section.
10 Such requests shall only be approved for the additional
11 amounts that the Secretary determines are necessary for
12 such affected Federal agencies to meet the time limits for
13 environmental review where such time limits are less than
14 the customary time necessary for such review.

15 (g) FEDERAL AGENCY DEFINED.—For the purposes
16 of this section, the term “Federal agency” means any Fed-
17 eral agency or any State agency carrying out affected re-
18 sponsibilities required by operation of Federal law.

19 (h) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

20 (1) JUDICIAL REVIEW.—Nothing in this section
21 shall affect the reviewability of any final Federal
22 agency action in a district court of the United States
23 or in the court of any State.

24 (2) SAVINGS CLAUSE.—Nothing in this section
25 shall be construed to affect the applicability of the

1 National Environmental Policy Act of 1969 or any
2 other Federal environmental statute or affect the re-
3 sponsibility of any Federal officer to comply with or
4 enforce any such statute.

5 (i) STATE ENVIRONMENTAL REVIEW DELEGATION
6 PILOT DEMONSTRATION PROGRAM.—

7 (1) IN GENERAL.—The Secretary, in coopera-
8 tion with the Council on Environmental Quality,
9 shall establish and implement a State environmental
10 review pilot demonstration program. Such program
11 shall permit the Secretary, in cooperation with the
12 Council on Environmental Quality, to develop cri-
13 teria for States to select up to 8 States for partici-
14 pation in the program. A State interested in partici-
15 pation in the program shall submit to the Secretary
16 an application for participation.

17 (2) DELEGATION OF AUTHORITY.—For each
18 State selected to participate in the pilot program,
19 the Secretary shall delegate and the State shall ac-
20 cept all of the responsibilities for conducting the
21 Federal environmental review process required by
22 the National Environmental Policy Act of 1969 in
23 the manner required if the projects were undertaken
24 by the Secretary.

1 (3) CERTIFICATION.—A State that is selected
2 to participate in the pilot program shall, prior to as-
3 suming any responsibilities for the Secretary under
4 this subsection, submit to the Secretary and the Sec-
5 retary, in cooperation with the Council on Environ-
6 mental Quality, shall approve a certification that
7 shall, at a minimum—

8 (A) be in a form acceptable to the Sec-
9 retary;

10 (B) be executed by the Chief Executive Of-
11 ficer of the recipient of assistance under this
12 section (hereinafter in this section referred to
13 as the “certifying officer”);

14 (C) specify that the certifying officer con-
15 sents to assume the status of a responsible Fed-
16 eral officer under the National Environmental
17 Policy Act of 1969 (and any applicable regula-
18 tions issued by the Secretary or the Council on
19 Environmental Quality implementing such Act)
20 for the affected project;

21 (D) accept jurisdiction of the Federal
22 courts for the purpose of enforcement of the
23 State’s responsibilities for the project; and

24 (E) agree that the Secretary’s approval of
25 such certification shall constitute the Sec-

1 retary's responsibilities under the National En-
2 vironmental Policy Act of 1969 and any other
3 related provisions of law that the Secretary may
4 specify for the affected project.

5 (4) OVERSIGHT.—For each State selected to
6 participate in the pilot program, the Secretary shall,
7 in cooperation with the Council on Environmental
8 Quality, conduct quarterly audits in the first year of
9 such participation, and annual audits every year
10 thereafter, to ensure that each selected State is com-
11 plying with all elements of the certification provided
12 for in this subsection and all requirements delegated
13 pursuant to this subsection.

14 (5) TERMINATION.—The Secretary, in coopera-
15 tion with the Council on Environmental Quality,
16 may immediately terminate the participation of any
17 State if the Secretary, in cooperation with the Coun-
18 cil on Environmental Quality, finds that such State
19 is not complying with any responsibility or duty set
20 forth in this subsection or that the State's continued
21 participation in the program would result in any ad-
22 verse impact on the environment.

23 (6) PERIOD OF APPLICABILITY.—The pilot pro-
24 gram shall remain in effect for 3 years. The pilot
25 program shall apply to all projects initiated within

1 such 3-year period, and any such project shall be
2 subject to the provisions of this subsection until the
3 review of the project is completed under this sub-
4 section.

5 (7) REPORT TO CONGRESS.—The Secretary and
6 Council on Environmental Quality shall transmit to
7 Congress annual reports on the pilot program.

8 **SEC. 503. MAJOR INVESTMENT STUDY INTEGRATION.**

9 The Secretary shall eliminate the major investment
10 study set forth in section 450.318 of title 23, Code of Fed-
11 eral Regulations, as a separate requirement and promul-
12 gate regulations to integrate such requirement, as appro-
13 priate, as part of each analysis undertaken pursuant to
14 the National Environmental Policy Act of 1969 for a
15 project receiving assistance with funds made available
16 under this Act (including any amendments made by this
17 Act).

18 **SEC. 504. FINANCIAL PLAN.**

19 The Secretary shall require each recipient of Federal
20 financial assistance for a highway or transit project with
21 an estimated total cost of \$1,000,000,000 or more to sub-
22 mit to the Secretary an annual financial plan. Such plan
23 shall be based on detailed annual estimates of the cost
24 to complete the remaining elements of the project and on

1 reasonable assumptions, as determined by the Secretary,
2 of future increases in the cost to complete the project.

3 **SEC. 505. UNIFORM TRANSFERABILITY OF FEDERAL-AID**
4 **HIGHWAY FUNDS.**

5 (a) IN GENERAL.—Chapter 1 is amended by insert-
6 ing after section 109 the following:

7 **“§ 110. Uniform transferability of Federal-aid high-**
8 **way funds**

9 “(a) GENERAL RULE.—Notwithstanding any other
10 provision of law but subject to subsections (b) and (c),
11 if at least 50 percent of a State’s apportionment under
12 section 104 or 144 for a fiscal year or at least 50 percent
13 of the funds set-aside under section 133(d) from the
14 State’s apportionment section 104(b)(3) may not be trans-
15 ferred to any other apportionment of the State under sec-
16 tion 104 or 144 for such fiscal year, then the State may
17 transfer not to exceed 50 percent of such apportionment
18 or set aside to any other apportionment of such State
19 under section 104 or 144 for such fiscal year.

20 “(b) APPLICATION TO CERTAIN STP SET-ASIDES.—
21 This section shall not apply to funds subject to the last
22 sentence of section 133(d)(1) and funds subject to section
23 133(d)(3). The maximum amount that a State may trans-
24 fer under this section of the State’s set-aside under section
25 133(d)(2) for a fiscal year may not exceed 50 percent of

1 (1) the amount of such set-aside, less (2) the amount of
 2 the State's set-aside under section 133(d)(2) for fiscal
 3 year 1996.

4 “(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The
 5 maximum amount that a State may transfer under this
 6 section of the State's apportionment under section
 7 104(b)(2) for a fiscal year may not exceed 50 percent of
 8 (1) the amount of such apportionment, less (2) the
 9 amount of the State's apportionment under section
 10 104(b)(2) for fiscal year 1997. Any such funds appor-
 11 tioned under section 104(b)(2) and transferred under this
 12 section may only be obligated in geographic areas eligible
 13 for the obligation of funds apportioned under section
 14 104(b)(2).”.

15 (b) CONFORMING AMENDMENT.—The table of sec-
 16 tions for chapter 1 is amended by inserting after the item
 17 relating to section 109 the following:

“Sec. 110. Uniform transferability of Federal-aid highway funds.”.

18 **SEC. 506. DISCRETIONARY GRANT SELECTION CRITERIA**
 19 **AND PROCESS.**

20 (a) ESTABLISHMENT OF CRITERIA.—The Secretary
 21 shall establish criteria for all discretionary programs fund-
 22 ed from the Highway Trust Fund (including the Mass
 23 Transit Account). To the extent practicable, such criteria
 24 shall conform to the Executive Order No. 12893 (relating
 25 to infrastructure investment).

1 (b) SELECTION PROCESS.—

2 (1) LIMITATION ON ACCEPTANCE OF APPLICA-
3 TION.—Before accepting application for grants
4 under any discretionary program for which funds
5 are authorized to be appropriated from the Highway
6 Trust Fund (including the Mass Transit Account)
7 by this Act (including the amendments made by this
8 Act), the Secretary shall publish the criteria estab-
9 lished under subsection (a). Such publication shall
10 identify all statutory criteria and any criteria estab-
11 lished by regulation that will apply to such program.

12 (2) EXPLANATION.—At least 14 days before
13 making a grant under a discretionary program de-
14 scribed in paragraph (1), the Secretary shall trans-
15 mit to the respective committees of the House of
16 Representatives and the Senate having jurisdiction
17 over such program, and shall publish, an explanation
18 of how projects will be selected based on the criteria
19 established for such program under subsection (a).

20 (c) MINIMUM PROGRAMS.—At a minimum the cri-
21 teria established under subsection (a) and the process es-
22 tablished by subsection (b) shall apply to the following
23 programs:

24 (1) The high cost interstate system reconstruc-
25 tion and improvement program.

1 (2) The research program under title VI of this
2 Act.

3 (3) The national corridor planning and develop-
4 ment program.

5 (4) The coordinated border infrastructure and
6 safety program.

7 (5) The construction of ferry boats and ferry
8 terminal facilities.

9 (6) The scenic byway program.

10 (7) The discretionary bridge program.

11 (8) New fixed guideway systems and extensions
12 to existing fixed guideway systems under section
13 5309 of title 49, United States Code.

14 (9) Transit research and planning.

15 **SEC. 507. ELIMINATION OF REGIONAL OFFICE RESPON-**
16 **SIBILITIES.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of the enactment of this Act, the Secretary shall
19 eliminate any required programmatic responsibility for
20 any regional office of the Department of Transportation
21 carrying out responsibilities of the Federal Highway Ad-
22 ministration regarding any funds made available by this
23 Act (including any amendments made by this Act).

24 (b) RETENTION OF REGIONAL OFFICES.—The Sec-
25 retary may retain regional offices of the Department of

1 Transportation carrying out responsibilities of the Federal
2 Highway Administration for the purpose of providing
3 technical support to States, metropolitan areas, and tran-
4 sit authorities upon request.

5 **TITLE VI—TRANSPORTATION** 6 **RESEARCH**

7 **SEC. 601. AMENDMENTS TO TITLE 23, UNITED STATES** 8 **CODE.**

9 Except as otherwise specifically provided, whenever in
10 this title an amendment or repeal is expressed in terms
11 of an amendment to, or repeal of, a section or other provi-
12 sion of law, the reference shall be considered to be made
13 to a section or other provision of title 23, United States
14 Code.

15 **SEC. 602. APPLICABILITY OF TITLE 23.**

16 Funds made available by subparagraphs (F) through
17 (I) of section 127(a)(3) of this Act shall be available for
18 obligation in the same manner as if such funds were ap-
19 portioned under chapter 1 of title 23, United States Code,
20 except that the Federal share payable for a project or ac-
21 tivity carried out using such funds shall be determined by
22 the Secretary (unless otherwise expressly provided by this
23 Act) and such funds shall remain available until expended.

1 **SEC. 603. TRANSFERS OF FUNDS.**

2 The Secretary may transfer not to exceed 10 percent
3 of the amounts made available by each of subparagraphs
4 (F) through (I) of section 127(a)(3) of this Act to the
5 amounts made available by any other of such subpara-
6 graphs.

7 **Subtitle A—Surface Transportation**
8 **Research, Technology, and Edu-**
9 **cation**

10 **PART I—HIGHWAY RESEARCH**

11 **SEC. 611. RESEARCH.**

12 (a) RESEARCH.—Section 307(a) is amended—

13 (1) in paragraph (1) by striking subparagraph
14 (C); and

15 (2) by striking paragraph (3) and inserting the
16 following:

17 “(3) AMOUNTS DEPOSITED BY COOPERATING
18 ORGANIZATIONS AND PERSONS.—There shall be
19 available to the Secretary for carrying out this sub-
20 section such funds as may be deposited by any co-
21 operating organization or person in a special account
22 of the Treasury of the United States established for
23 such purpose.”.

24 (b) LONG-TERM PAVEMENT PERFORMANCE.—Sec-
25 tion 307(b)(2) is amended to read as follows:

26 “(2) LONG-TERM PAVEMENT PERFORMANCE.—

1 “(A) IN GENERAL.—As part of the high-
2 way research program under subsection (a), the
3 Secretary shall carry out a long-term pavement
4 performance program to continue to completion
5 the long-term pavement performance tests initi-
6 ated under the strategic highway research pro-
7 gram.

8 “(B) GRANTS, COOPERATIVE AGREE-
9 MENTS, AND CONTRACTS.—In carrying out sub-
10 paragraph (A), the Secretary shall make grants
11 and enter into cooperative agreements and con-
12 tracts for the following purposes:

13 “(i) To continue the monitoring, ma-
14 terial-testing, and evaluation of the high-
15 way test sections established under the
16 long-term pavement performance program.

17 “(ii) To carry out analyses of the data
18 collected under the program.

19 “(iii) To prepare the products re-
20 quired to fulfill the original objectives of
21 the program and to meet future pavement
22 technology needs.”.

23 (c) ADVANCED RESEARCH.—Section 307(b)(4) is
24 amended to read as follows:

25 “(4) ADVANCED RESEARCH.—

1 “(A) IN GENERAL.—The highway research
2 program under subsection (a) shall include an
3 advanced research program that addresses
4 longer-term, higher-risk research that shows po-
5 tential benefits for improving the durability, ef-
6 ficiency, environmental impact, productivity,
7 and safety (including bicycle and pedestrian
8 safety) of highway and intermodal transpor-
9 tation systems. In carrying out this program,
10 the Secretary shall strive to develop partner-
11 ships with the public and private sectors.

12 “(B) RESEARCH AREAS.—In carrying out
13 the advanced research program under subpara-
14 graph (A), the Secretary may make grants and
15 enter into cooperative agreements and contracts
16 in such areas as the Secretary determines ap-
17 propriate, including the following:

18 “(i) Characterization of materials
19 used in highway infrastructure, including
20 analytical techniques, microstructure mod-
21 eling, and the deterioration processes.

22 “(ii) Diagnostics for evaluation of the
23 condition of bridge and pavement struc-
24 tures to enable assessment of failure risks.

1 “(iii) Design and construction details
2 for composite structures.

3 “(iv) Safety technology based prob-
4 lems in the areas of pedestrian and bicycle
5 safety, roadside hazards, and composite
6 materials for roadside safety hardware.

7 “(v) Particulate matter source appor-
8 tionment, control strategy synthesis eval-
9 uation, and model development.

10 “(vi) Data acquisition techniques for
11 system condition and performance monitor-
12 ing.

13 “(vii) Prediction of the response of
14 current and future travelers to new tech-
15 nologies.”.

16 (d) SUPPORTING INFRASTRUCTURE.—Section
17 307(b)(5) is amended—

18 (1) by striking subparagraph (C); and

19 (2) by redesignating subparagraph (D) as sub-
20 paragraph (C).

21 (e) REPEALS.—Section 307 is amended—

22 (1) by striking subsections (c), (d), and (e); and

23 (2) by redesignating subsections (f), (g), and

24 (h) as subsections (c), (d), and (e), respectively.

1 (f) SEISMIC RESEARCH PROGRAM.—Section 307(c),
2 as so redesignated, is amended—

3 (1) by striking paragraph (1) and inserting the
4 following:

5 “(1) ESTABLISHMENT.—The Secretary shall es-
6 tablish a program to study the vulnerability of the
7 Federal-aid highway system and other surface trans-
8 portation systems to seismic activity and to develop
9 and implement cost-effective methods to reduce such
10 vulnerability.”;

11 (2) by striking paragraph (4) and inserting the
12 following:

13 “(4) FUNDING.—Of the amounts made avail-
14 able to carry out this section, the Secretary shall ex-
15 pend not more than \$2,000,000 for each of fiscal
16 years 1998 through 2000 to carry out this sub-
17 section.”; and

18 (3) by striking paragraph (5).

19 (g) BIENNIAL REPORT.—Section 307(e), as so redes-
20 ignated, is amended—

21 (1) by striking “The Secretary” and inserting
22 “BIENNIAL REPORT.—The Secretary”; and

23 (2) by inserting after “highway needs” the fol-
24 lowing: “, as well as the backlog of current highway
25 needs,”.

1 (h) CONFORMING AMENDMENTS.—Chapter 3 is
2 amended—

3 (1) in the heading to section 307 by striking
4 “**and planning**”; and

5 (2) in the table of sections for such chapter by
6 striking the item relating to section 307 and insert-
7 ing the following:

“307. Research.”.

8 **SEC. 612. STATE PLANNING AND RESEARCH.**

9 (a) IN GENERAL.—Section 313 is amended to read
10 as follows:

11 **“§ 313. State planning and research**

12 “(a) GENERAL RULE.—Two percent of the sums ap-
13 portioned for each fiscal year beginning after September
14 30, 1997, under section 104 (other than section 104(f))
15 and under section 144 shall be available for expenditure
16 by the State, in consultation with the Secretary, only for
17 the following purposes:

18 “(1) Engineering and economic surveys and in-
19 vestigations.

20 “(2) The planning of future highway programs
21 and local public transportation systems and the
22 planning of the financing of such programs and sys-
23 tems, including statewide planning under section
24 135.

1 “(3) Development and implementation of man-
2 agement systems under section 303.

3 “(4) Studies of the economy, safety, and con-
4 venience of highway usage and the desirable regula-
5 tion and equitable taxation thereof.

6 “(5) Research, development, and technology
7 transfer activities necessary in connection with the
8 planning, design, construction, management, and
9 maintenance of highway, public transportation, and
10 intermodal transportation systems and study, re-
11 search, and training on the engineering standards
12 and construction materials for such systems, includ-
13 ing the evaluation and accreditation of inspection
14 and testing and the regulation and taxation of their
15 use.

16 “(b) MINIMUM EXPENDITURES ON RESEARCH, DE-
17 VELOPMENT, AND TECHNOLOGY TRANSFER ACTIVI-
18 TIES.—Not less than 25 percent of the funds which are
19 apportioned to a State for a fiscal year and are subject
20 to subsection (a) shall be expended by the State for re-
21 search, development, and technology transfer activities de-
22 scribed in subsection (a) relating to highway, public trans-
23 portation, and intermodal transportation systems unless
24 the State certifies to the Secretary for such fiscal year
25 that total expenditures by the State for transportation

1 planning under sections 134 and 135 will exceed 75 per-
 2 cent of the amount of such funds and the Secretary ac-
 3 cepts such certification. Funds used for research provided
 4 under this subsection are not subject to an assessment
 5 under the Small Business Research and Development En-
 6 hancement Act of 1992 (Public Law 102–564).

7 “(c) FEDERAL SHARE.—The Federal share payable
 8 on account of any project financed with funds which are
 9 subject to subsection (a) shall be 80 percent unless the
 10 Secretary determines that the interests of the Federal-aid
 11 highway program would be best served by decreasing or
 12 eliminating the non-Federal share.

13 “(d) ADMINISTRATION OF SUMS.—Funds which are
 14 subject to subsection (a) shall be combined and adminis-
 15 tered by the Secretary as a single fund which shall be
 16 available for obligation for the same period as funds ap-
 17 portioned under section 104(b)(1).”.

18 (b) CONFORMING AMENDMENT.—The table of sec-
 19 tions for chapter 3 is amended by inserting after the item
 20 relating to section 312 the following:

“313. State planning and research.”.

21 **SEC. 613. INTERNATIONAL HIGHWAY TRANSPORTATION**
 22 **OUTREACH PROGRAM.**

23 (a) ACTIVITIES.—Section 325(a) is amended—

24 (1) by inserting after “expertise” the following:

25 “, goods, and services”;

1 (2) by striking “and” at the end of paragraph
2 (4);

3 (3) by striking the period at the end of para-
4 graph (5) and inserting “; and”; and

5 (4) by adding at the end the following:

6 “(6) gathering and disseminating information
7 on foreign transportation markets and industries.”.

8 (b) FUNDS.—Section 325(c) is amended to read as
9 follows:

10 “(c) FUNDS.—Funds available to carry out this sec-
11 tion shall include funds deposited by any cooperating orga-
12 nization or person in a special account for such purpose
13 with the Secretary of the Treasury. The funds deposited
14 in the special account and other funds available to carry
15 out this section shall be available to cover the cost of any
16 activity eligible under this section, including the cost of
17 promotional materials, travel, reception and representa-
18 tion expenses, and salaries and benefits. Reimbursements
19 for salaries and benefits of Department of Transportation
20 employees providing services under this section shall be
21 credited to the special account.”.

22 (c) ELIGIBILITY.—Section 325 is amended by adding
23 at the end the following:

24 “(d) ELIGIBLE USE OF STATE PLANNING AND RE-
25 SEARCH FUNDS.—A State, in coordination with the Sec-

1 retary, may obligate funds made available to carry out sec-
 2 tion 313 for any activity authorized under subsection
 3 (a).”.

4 **PART II—TRANSPORTATION EDUCATION, PRO-**
 5 **FESSIONAL TRAINING, AND TECHNOLOGY**
 6 **DEPLOYMENT**

7 **SEC. 621. NATIONAL HIGHWAY INSTITUTE.**

8 Section 321 is amended by striking subsection (f) and
 9 redesignating subsection (g) as subsection (f).

10 **SEC. 622. NATIONAL TECHNOLOGY DEPLOYMENT INITIA-**
 11 **TIVE.**

12 (a) IN GENERAL.—Section 322 is amended to read
 13 as follows:

14 **“§ 322. National technology deployment initiative**

15 “(a) IN GENERAL.—The Secretary shall develop and
 16 implement a national technology deployment initiative to
 17 expand adoption by the surface transportation community
 18 of innovative technologies to improve the safety, efficiency,
 19 reliability, service life, and sustainability of transportation
 20 systems and to reduce environmental impact.

21 “(b) INTEGRATION WITH OTHER PROGRAMS.—The
 22 Secretary shall integrate activities undertaken pursuant to
 23 this section with the efforts of the Department to dissemi-
 24 nate the results of research sponsored by the Department
 25 and to facilitate technology transfer.

1 “(c) LEVERAGING OF FEDERAL RESOURCES.—In se-
 2 lecting projects to be carried out under this section, the
 3 Secretary shall give preference to projects that leverage
 4 Federal funds with other significant public or private re-
 5 sources.

6 “(d) GRANTS, CONTRACTS, AND COOPERATIVE
 7 AGREEMENTS.—The Secretary may carry out this section
 8 either independently or in cooperation with other Federal
 9 departments, agencies, and instrumentalities or by making
 10 grants to, or entering into contracts, cooperative agree-
 11 ments, or other transactions with any State or local agen-
 12 cy, authority, association, institution, corporation (for-
 13 profit or nonprofit), organization, or person.”.

14 (b) CONFORMING AMENDMENT.—The table of sec-
 15 tions for chapter 3 is amended by inserting after the item
 16 relating to section 321 the following:

“322. National technology deployment initiative.”.

17 **SEC. 623. EDUCATION AND TRAINING PROGRAMS.**

18 (a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—
 19 Section 326(a) is amended—

- 20 (1) by striking “AUTHORITY” and inserting
 21 “LOCAL TECHNICAL ASSISTANCE PROGRAM”; and
- 22 (2) by striking “transportation assistance pro-
 23 gram” and inserting “local technical assistance pro-
 24 gram”.

1 (b) RESEARCH FELLOWSHIPS.—Section 326 is fur-
2 ther amended—

3 (1) by striking subsection (c);

4 (2) by redesignating subsection (b) as sub-
5 section (c); and

6 (3) by inserting after subsection (a) the follow-
7 ing:

8 “(b) RESEARCH FELLOWSHIPS.—

9 “(1) GENERAL AUTHORITY.—The Secretary
10 may, acting either independently or in cooperation
11 with other Federal departments, agencies, and in-
12 strumentalities, make grants for research fellowships
13 for any purpose for which research is authorized by
14 this section.

15 “(2) DWIGHT DAVID EISENHOWER TRANSPOR-
16 TATION FELLOWSHIP PROGRAM.—The Secretary
17 shall establish and implement a transportation re-
18 search fellowship program for the purpose of attract-
19 ing qualified students to the field of transportation.
20 Such program shall be known as the ‘Dwight David
21 Eisenhower Transportation Fellowship Program’.”.

22 (c) CONFORMING AMENDMENTS.—Chapter 3 is
23 amended—

24 (1) in the heading to section 326 by striking
25 “**program**” and inserting “**programs**”; and

1 (2) in the table of sections for such chapter by
2 striking the item relating to section 326 and insert-
3 ing the following:

“326. Education and training programs.”.

4 **SEC. 624. UNIVERSITY TRANSPORTATION RESEARCH.**

5 (a) IN GENERAL.—Subchapter I of chapter 55 of title
6 49, United States Code, is amended by adding at the end
7 the following:

8 **“§ 5505. University transportation research**

9 “(a) REGIONAL CENTERS.—The Secretary of Trans-
10 portation shall make grants to nonprofit institutions of
11 higher learning to establish and operate 1 university
12 transportation center in each of the 10 United States Gov-
13 ernment regions that comprise the Standard Federal Re-
14 gional Boundary System.

15 “(b) OTHER CENTERS.—The Secretary shall make
16 grants to nonprofit institutions of higher learning to es-
17 tablish and operate 10 university transportation centers,
18 in addition to the centers receiving grants under sub-
19 section (a), to address transportation management and re-
20 search and development, with special attention to increas-
21 ing the number of highly skilled individuals entering the
22 field of transportation.

23 “(c) SELECTION OF GRANT RECIPIENTS.—

24 “(1) APPLICATIONS.—In order to be eligible to
25 receive a grant under this section, a nonprofit insti-

1 tution of higher learning shall submit to the Sec-
2 retary an application that is in such form and con-
3 tains such information as the Secretary may require.

4 “(2) SELECTION CRITERIA.—The Secretary
5 shall select each recipient of a grant under this sec-
6 tion through a competitive process on the basis of
7 the following:

8 “(A) For regional centers, the location of
9 the center within the Federal region to be
10 served.

11 “(B) The demonstrated research and ex-
12 tension resources available to the recipient to
13 carry out this section.

14 “(C) The capability of the recipient to pro-
15 vide leadership in making national and regional
16 contributions to the solution of immediate and
17 long-range transportation problems.

18 “(D) The recipient’s establishment of a
19 surface transportation program encompassing
20 several modes of transportation.

21 “(E) The recipient’s demonstrated commit-
22 ment of at least \$200,000 in regularly budgeted
23 institutional amounts each year to support on-
24 going transportation research and education
25 programs.

1 “(F) The recipient’s demonstrated ability
2 to disseminate results of transportation re-
3 search and education programs through a state-
4 wide or regionwide continuing education pro-
5 gram.

6 “(G) The strategic plan the recipient pro-
7 poses to carry out under the grant.

8 “(d) OBJECTIVES.—Each university transportation
9 center receiving a grant under this section shall conduct
10 the following programs and activities:

11 “(1) Basic and applied research, the products
12 of which are judged by peers or other experts in the
13 field to advance the body of knowledge in transpor-
14 tation.

15 “(2) An education program that includes multi-
16 disciplinary course work and participation in re-
17 search.

18 “(3) An ongoing program of technology transfer
19 that makes research results available to potential
20 users in a form that can be implemented, utilized,
21 or otherwise applied.

22 “(e) MAINTENANCE OF EFFORT.—In order to be eli-
23 gible to receive a grant under this section, a recipient shall
24 enter into an agreement with the Secretary to ensure that
25 the recipient will maintain total expenditures from all

1 other sources to establish and operate a university trans-
2 portation center and related research activities at a level
3 at least equal to the average level of such expenditures
4 in its 2 fiscal years prior to award of a grant under this
5 section.

6 “(f) FEDERAL SHARE.—The Federal share of the
7 costs of activities carried out using a grant made under
8 this section is 50 percent of costs. The non-Federal share
9 may include funds provided to a recipient under section
10 5307 or 5311 of this title or section 313, 322, or 326(a)
11 of title 23, United States Code.

12 “(g) PROGRAM COORDINATION.—

13 “(1) COORDINATION.—The Secretary shall co-
14 ordinate the research, education, training, and tech-
15 nology transfer activities that grant recipients carry
16 out under this section, disseminate the results of the
17 research, and establish and operate a clearinghouse.

18 “(2) ANNUAL REVIEW AND EVALUATION.—At
19 least annually, the Secretary shall review and evalu-
20 ate programs the grant recipients carry out.

21 “(3) FUNDING LIMITATION.—The Secretary
22 may use not more than 1 percent of amounts made
23 available from Government sources to carry out this
24 subsection.

1 “(h) LIMITATION ON AVAILABILITY OF FUNDS.—
2 Funds made available to carry out this program shall re-
3 main available for obligation for a period of 2 years after
4 the last day of the fiscal year for which such funds are
5 authorized.

6 “(i) SPECIAL RULE FOR FISCAL YEARS 1998 and
7 1999.—

8 “(1) IN GENERAL.—In carrying out subsections
9 (a) and (b) in fiscal years 1998 and 1999, the Sec-
10 retary shall make grants to each university transpor-
11 tation center and university research institute that
12 received a grant in fiscal year 1997 under section
13 5316 or 5317 of this title, as in effect on the day
14 before the date of the enactment of this section.

15 “(2) TERMS AND CONDITIONS.—Notwithstand-
16 ing any other provision of this section, grants made
17 pursuant to paragraph (1) in fiscal years 1998 and
18 1999 shall be subject to the same terms and condi-
19 tions as the fiscal year 1997 grants referred to in
20 paragraph (1).

21 “(j) UNIVERSITY RESEARCH INSTITUTES.—Any uni-
22 versity research institute that received a grant under sec-
23 tion 5316 of this title, as in effect on the day before the
24 date of the enactment of this section, shall be eligible to

1 receive grants made available to university transportation
2 centers under this section.

3 “(k) APPLICATIONS THAT MAY BE CONSIDERED.—

4 In selecting grant recipients under subsection (c), the Sec-
5 retary shall consider at a minimum applications submitted
6 by the following:

7 “(1) Any university transportation center or
8 university research institute described in subsection
9 (i)(1).

10 “(2) The University of Denver.

11 “(3) The University of Arizona.

12 “(4) The University of Central Florida.

13 “(5) Carnegie Mellon and Lehigh Universities.

14 “(6) University of South Carolina and Califor-
15 nia State University Long Beach.

16 “(7) Pace University.

17 “(8) A consortium of historically black colleges
18 in Alabama.

19 “(9) Lawson State Community College.

20 “(10) A consortium consisting of the University
21 of Wisconsin, the University of Illinois, and Purdue
22 University.

23 “(11) The University of New Hampshire.

24 “(12) A group of Virginia universities acting as
25 a Center of ITS Implementation.

1 “(13) The University of Tennessee.

2 “(14) The Alabama Transportation Institute.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-
4 tions for chapter 55 of title 49, United States Code, is
5 amended by inserting after the item relating to section
6 5504 the following:

“5505. University transportation research.”.

7 (c) APPALACHIAN TRANSPORTATION INSTITUTE.—

8 (1) GRANTS.—The Secretary shall make grants
9 under section 5505 of title 49, United States Code,
10 to Marshall University, West Virginia, on behalf of
11 a consortium which also may include West Virginia
12 University Institute of Technology, the College of
13 West Virginia, and Bluefield State College to estab-
14 lish and operate an Appalachian Transportation In-
15 stitute. Such institute shall conduct research, train-
16 ing, technology transfer, and other transportation
17 related activities in the development and enhance-
18 ment of transportation systems in the Appalachian
19 region, including the Appalachian Development
20 Highway System.

21 (2) FUNDING.—Of amounts made available to
22 carry out such section 5505, \$2,000,000 shall be
23 available for each of fiscal years 1998, 1999, and
24 2000 to carry out paragraph (1).

1 (3) FEDERAL SHARE.—The Federal share pay-
2 able for the costs of the institute referred to in para-
3 graph (1) shall be 80 percent; except that the non-
4 Federal interest shall receive credit for the reason-
5 able cost associated with the establishment and ad-
6 ministration of the institute referred to in paragraph
7 (1).

8 (d) ITS INSTITUTE.—

9 (1) GRANTS.—The Secretary shall make grants
10 under section 5505 of title 49, United States Code,
11 to the University of Minnesota to continue to oper-
12 ate and expand the ITS Institute. The ITS Institute
13 shall continue to conduct research, education, and
14 development activities that focus on transportation
15 management, enhanced safety, human factors, and
16 reduced environmental effects. The ITS Institute
17 shall develop new or expanded programs to address
18 emerging issues of ITS related to transportation pol-
19 icy, intermodalism, sustainable community develop-
20 ment, and transportation telematics.

21 (2) FUNDING.—Of amounts made available to
22 carry out such section 5505, \$2,000,000 shall be
23 available for each of fiscal years 1998, 1999, and
24 2000 to carry out paragraph (1).

1 (3) FEDERAL SHARE.—The Federal share pay-
2 able for the costs of the institute referred to in para-
3 graph (1) shall be 80 percent; except that the non-
4 Federal interest shall receive credit for the reason-
5 able cost associated with the establishment and ad-
6 ministration of the institute referred to in paragraph
7 (1).

8 **SEC. 625. FUNDING ALLOCATIONS.**

9 Of the amounts made available for each of fiscal
10 years 1998 through 2000 by section 127(a)(3)(G) of this
11 Act—

12 (1) not to exceed \$8,000,000 per fiscal year
13 shall be available for the National Highway Institute
14 under section 321 of title 23, United States Code;

15 (2) not to exceed \$10,000,000 per fiscal year
16 shall be available for the local technical assistance
17 program under section 326(a) of such title;

18 (3) not to exceed \$2,000,000 per fiscal year
19 shall be available for the Dwight D. Eisenhower
20 Transportation Fellowship Program under section
21 326(b) of such title;

22 (4) not to exceed \$14,000,000 for each of fiscal
23 years 1998 and 1999 and \$19,000,000 for fiscal
24 year 2000 shall be available for the national tech-

1 nology deployment initiative program under section
2 322 of such title;

3 (5) not to exceed \$16,000,000 per fiscal year
4 shall be available for university transportation cen-
5 ters under section 5505 of title 49, United States
6 Code.

7 **PART III—BUREAU OF TRANSPORTATION**

8 **STATISTICS AND MISCELLANEOUS PROGRAMS**

9 **SEC. 631. BUREAU OF TRANSPORTATION STATISTICS.**

10 (a) IN GENERAL.—Section 111 of title 49, United
11 States Code, is amended—

12 (1) by striking the second sentence of sub-
13 section (b)(4);

14 (2) in subsection (c)(1)—

15 (A) in subparagraph (J) by striking “and”
16 at the end;

17 (B) in subparagraph (K) by striking the
18 period and inserting “; and” ; and

19 (C) by adding at the end the following:

20 “(L) transportation-related variables influ-
21 encing global competitiveness.”;

22 (3) in subsection (c)(2)—

23 (A) by striking “national transportation
24 system” in the first sentence and inserting
25 “Nation’s transportation systems”;

1 (B) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) be coordinated with efforts to meas-
4 ure outputs and outcomes of the Department of
5 Transportation and the Nation’s transportation
6 systems under the Government Performance
7 and Results Act of 1993 (107 Stat. 285 et
8 seq.);”; and

9 (C) in subparagraph (C) by inserting “,
10 made relevant to the States and metropolitan
11 planning organizations,” after “accuracy”;

12 (4) in subsection (c)(3) by adding at the end
13 the following: “The Bureau shall review and report
14 to the Secretary of Transportation on the sources
15 and reliability of the statistics proposed by the heads
16 of the operating administrations of the Department
17 to measure outputs and outcomes as required by the
18 Government Performance and Results Act of 1993
19 (107 Stat. 285 et seq.), and shall undertake such
20 other reviews as may be requested by the Sec-
21 retary.”;

22 (5) in subsection (c) by adding at the end the
23 following:

24 “(7) SUPPORTING TRANSPORTATION DECISION-
25 MAKING.—Ensuring that the statistics compiled

1 under paragraph (1) are relevant for transportation
2 decisions by Federal, State, and local governments,
3 transportation-related associations, private busi-
4 nesses, and consumers.”;

5 (6) by—

6 (A) redesignating subsections (d), (e), and
7 (f) as subsections (h), (i) and (j), respectively;

8 (B) striking subsection (g); and

9 (C) inserting after subsection (c) the fol-
10 lowing:

11 “(d) INTERMODAL TRANSPORTATION DATA BASE.—

12 The Director shall establish and maintain an intermodal
13 transportation data base. The data base shall be suitable
14 for analyses conducted by the Federal Government, the
15 States, and metropolitan planning organizations. The data
16 base shall include, at a minimum—

17 “(1) information on the volumes and patterns
18 of movement of goods, including local, interregional,
19 and international movements, by all modes of trans-
20 portation and intermodal combinations, and by rel-
21 evant classification;

22 “(2) information on the volumes and patterns
23 of movement of people, including local, interregional,
24 and international movements, by all modes of trans-

1 portation and intermodal combinations, and by rel-
2 evant classification; and

3 “(3) information on the location and
4 connectivity of transportation facilities and services
5 and a national accounting of expenditures and cap-
6 ital stocks on each mode of transportation and inter-
7 modal combinations.

8 “(e) NATIONAL TRANSPORTATION LIBRARY.—The
9 Director shall establish and maintain a national transpor-
10 tation library containing a collection of statistical and
11 other information needed for transportation decisionmak-
12 ing at the Federal, State, and local levels.

13 “(f) NATIONAL TRANSPORTATION ATLAS DATA
14 BASE.—The Director shall develop and maintain geo-
15 graphic data bases depicting transportation networks;
16 flows of people, goods, vehicles, and craft over those net-
17 works; and social, economic, and environmental conditions
18 affecting or affected by those networks. These data bases
19 shall be able to support intermodal network analysis.

20 “(g) RESEARCH AND DEVELOPMENT GRANTS.—The
21 Secretary may make grants to, or enter into cooperative
22 agreements or contracts with, public and nonprofit private
23 entities to support the programs and activities of the Bu-
24 reau.”;

1 (7) by striking subsection (i), as so redesign-
2 nated, and inserting the following:

3 “(i) PROHIBITION ON CERTAIN DISCLOSURES.—

4 “(1) INFORMATION OBTAINED UNDER LONG-
5 TERM DATA COLLECTION PROGRAM.—An officer or
6 employee of the Bureau may not—

7 “(A) make any publication in which the
8 data furnished by an individual or organization
9 under paragraph (c)(2) can be identified;

10 “(B) use the information furnished under
11 the provisions of subsection (c)(2) for a non-
12 statistical purpose; or

13 “(C) permit anyone other than the individ-
14 uals authorized by the Director to examine indi-
15 vidual reports furnished under subsection
16 (c)(2).

17 “(2) COPIES OF REPORTS.—No department,
18 bureau, agency, officer, or employee of the United
19 States, except the Director in carrying out the pur-
20 pose of this section, shall require, for any reason,
21 copies of reports which have been filed under sub-
22 section (c)(2) with the Bureau or retained by any in-
23 dividual respondent. Copies of such reports which
24 have been so retained or filed with the Bureau or
25 any of its employees, contractors, or agents shall be

1 immune from legal process, and shall not, without
2 the consent of the individual concerned, be admitted
3 as evidence or used for any purpose in any action,
4 suit, or other judicial or administrative proceeding.
5 This paragraph shall only apply to information that
6 permits information concerning an individual or or-
7 ganization to be reasonable inferred by direct or in-
8 direct means.

9 “(3) COLLECTION OF DATA FOR NONSTATIS-
10 TICAL PURPOSES.—In a case in which the Bureau is
11 authorized by statute to collect data or information
12 for nonstatistical purposes, the Director shall clearly
13 distinguish the collection of such data or information
14 by rule, and on the collection instrument, to inform
15 a respondent requested or required to supply the
16 data or information of the nonstatistical purposes.”;
17 and

18 (8) by adding at the end the following:

19 “(k) DATA PRODUCT SALES PROCEEDS.—Notwith-
20 standing section 3302 of title 31, United States Code,
21 funds received by the Bureau from the sale of data prod-
22 ucts may be credited to the Highway Trust Fund (other
23 than the Mass Transit Account) and shall be available for
24 the purpose of reimbursing the Bureau for such expenses.

25 “(l) FUNDING.—

1 “(1) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated out of the
3 Highway Trust Fund (other than the Mass Transit
4 Account) \$31,000,000 for each of fiscal years 1998
5 through 2000 to carry out this section, except that
6 amounts for activities under subsection (g) may not
7 exceed \$500,000 in any fiscal year. Amounts made
8 available under this subsection shall remain available
9 for a period of 3 fiscal years.

10 “(2) APPLICABILITY OF TITLE 23.—Funds au-
11 thorized by this subsection shall be available for obli-
12 gation in the same manner as if such funds were ap-
13 portioned under chapter 1 of title 23, United States
14 Code.”.

15 (b) CONFORMING AMENDMENT.—Section 5503 of
16 title 49, United States Code, is amended—

17 (1) by striking subsection (d); and

18 (2) by redesignating subsections (e), (f), and
19 (g) as subsections (d), (e), and (f), respectively.

20 **SEC. 632. TRANSPORTATION TECHNOLOGY INNOVATION**
21 **AND DEMONSTRATION PROGRAM.**

22 (a) IN GENERAL.—The Secretary shall carry out a
23 transportation technology innovation and demonstration
24 program in accordance with the requirements of this sec-
25 tion.

1 (b) CONTENTS OF PROGRAM.—

2 (1) USE OF CONCRETE PAVEMENT.—

3 (A) IN GENERAL.—The Secretary shall
4 conduct research on improved methods of using
5 concrete pavement in the construction, recon-
6 struction, and repair of Federal-aid highways.

7 (B) FUNDING.—Of the amounts made
8 available for each of fiscal years 1998 through
9 2000 by section 127(a)(3)(H) of this Act,
10 \$10,000,000 per fiscal year shall be available to
11 carry out this paragraph.

12 (2) MOTOR VEHICLE SAFETY WARNING SYS-
13 TEM.—

14 (A) IN GENERAL.—The Secretary shall ex-
15 pand and continue the study authorized by sec-
16 tion 358(c) of the National Highway System
17 Designation Act of 1995 (23 U.S.C. 401 note;
18 109 Stat. 625) relating to the development of
19 a motor vehicle safety warning system and shall
20 conduct tests of such system.

21 (B) GRANTS.—In carrying out this para-
22 graph, the Secretary may make grants to State
23 and local governments.

24 (C) FUNDING.—Of the amounts made
25 available for each of fiscal years 1998 through

1 2000 by section 127(a)(3)(H) of this Act,
2 \$700,000 per fiscal year shall be available to
3 carry out this paragraph.

4 (3) STEEL BRIDGE CONSTRUCTION.—

5 (A) IN GENERAL.—The Secretary shall
6 make grants for research and construction to
7 improve and demonstrate the use of steel bridge
8 construction.

9 (B) FUNDING.—Of the amounts made
10 available for each of fiscal years 1998 through
11 2000 by section 127(a)(3)(H) of this Act,
12 \$10,000,000 per fiscal year shall be available to
13 carry out this paragraph.

14 (C) FEDERAL SHARE.—The Federal share
15 payable on account of construction activities
16 carried out using a grant made under this para-
17 graph shall be 80 percent of the cost of such
18 activities.

19 (4) USE OF ASPHALT PAVEMENT.—

20 (A) IN GENERAL.—The Secretary shall
21 conduct research on improved methods of using
22 asphalt pavement in the construction, recon-
23 struction, and repair of Federal-aid highways.

24 (B) FUNDING.—Of the amounts made
25 available for each of fiscal years 1998 through

1 2000 by section 127(a)(3)(H) of this Act,
2 \$10,000,000 per fiscal year shall be available to
3 carry out this paragraph.

4 (5) USE OF HAZARDOUS MATERIALS MONITOR-
5 ING SYSTEMS.—

6 (A) IN GENERAL.—The Secretary shall
7 conduct research on improved methods of de-
8 ploying and integrating existing ITS projects to
9 include hazardous materials monitoring systems
10 across various modes of transportation.

11 (B) FUNDING.—Of the amounts made
12 available for each of fiscal years 1998 through
13 2000 by section 127(a)(3)(I) of this Act,
14 \$1,500,000 per fiscal year shall be available to
15 carry out this paragraph.

16 (6) MOTOR CARRIER ADVANCED SENSOR CON-
17 TROL SYSTEM.—

18 (A) IN GENERAL.—The Secretary shall
19 conduct research on the deployment of a system
20 of advanced sensors and signal processors in
21 trucks and tractor trailers to determine axle
22 and wheel alignment, monitor collision alarm,
23 check tire pressure and tire balance conditions,
24 measure and detect load distribution in the ve-

1 hicle, and monitor and adjust automatic brak-
2 ing systems.

3 (B) FUNDING.—Of the amounts made
4 available for each of fiscal years 1998 through
5 2000 by section 127(a)(3)(I) of this Act,
6 \$700,000 per fiscal year shall be available to
7 carry out this paragraph.

8 (7) OUTREACH AND TECHNOLOGY TRANSFER
9 ACTIVITIES.—

10 (A) IN GENERAL.—The Secretary shall
11 continue to support the Urban Consortium's
12 ITS outreach and technology transfer activities.

13 (B) FUNDING.—Of the amounts made
14 available for each of fiscal years 1998 through
15 2000 by section 127(a)(3)(H) of this Act,
16 \$500,000 per fiscal year shall be available to
17 carry out this paragraph.

18 (8) TRANSPORTATION ECONOMIC AND LAND
19 USE SYSTEM.—

20 (A) IN GENERAL.—The Secretary shall
21 continue development and deployment to metro-
22 politan planning organizations of the Transpor-
23 tation Economic and Land Use System.

24 (B) FUNDING.—Of the amounts made
25 available for each of fiscal years 1998 through

1 2000 by section 127(a)(3)(H) of this Act,
2 \$1,000,000 per fiscal year shall be available to
3 carry out this paragraph.

4 (9) ITS IMPLEMENTATION.—

5 (A) IN GENERAL.—The Secretary shall
6 make grants to the State of Wisconsin to con-
7 tinue ITS activities in the corridor serving the
8 Greater Milwaukee, Wisconsin, Chicago, Illinois,
9 and Gary, Indiana, areas initiated under the
10 Intermodal Surface Transportation Efficiency
11 Act of 1991.

12 (B) FUNDING.—Of the amounts allocated
13 for each of fiscal years 1998 through 2000
14 under section 657(a) of this Act, \$2,000,000
15 per fiscal year shall be available to carry out
16 this paragraph.

17 (10) COMPOSITE MATERIALS.—

18 (A) IN GENERAL.—The Secretary shall
19 conduct research in the use of composite mate-
20 rials for guardrails and bridge decking.

21 (B) FUNDING.—Of the amounts made
22 available for each of fiscal years 1998 through
23 2000 by section 127(a)(3)(F) of this Act,
24 \$700,000 per fiscal year shall be available to
25 carry out this paragraph.

1 (11) INTELLIGENT TRANSPORTATION INFRA-
2 STRUCTURE.—

3 (A) IN GENERAL.—The Secretary shall
4 carry out a program to advance the deployment
5 of an operational intelligent transportation in-
6 frastructure system for the measurement of
7 various transportation system activities to aid
8 in the transportation planning and analysis
9 while making a significant contribution to the
10 ITS program under this title. This program
11 shall be located in the 2 largest metropolitan
12 areas in the State of Pennsylvania.

13 (B) FUNDING.—Of the amounts made
14 available for each of fiscal years 1998 through
15 2000 by section 127(a)(3)(H) of this Act,
16 \$1,700,000 per fiscal year shall be available to
17 carry out this paragraph.

18 (C) FEDERAL SHARE.—The Federal share
19 payable on account of the program carried out
20 under this paragraph shall be 80 percent of the
21 cost of such program.

Subtitle B—Intelligent Transportation Systems

SEC. 651. DEFINITIONS.

As used in this subtitle, the following definitions apply:

(1) INTELLIGENT TRANSPORTATION SYSTEMS; ITS.—The terms “intelligent transportation systems” and “ITS” mean electronics, communications, or information processing used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term “intelligent transportation infrastructure” means fully integrated public sector ITS components, as defined by the Secretary.

(3) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(4) STATE.—The term “State” has the meaning given such term under section 101 of title 23, United States Code.

SEC. 652. SCOPE OF PROGRAM.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing ITS program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of

1 such systems as a component of the Nation's surface
2 transportation systems.

3 (b) GOALS.—The goals of the ITS program include—

4 (1) enhancement of surface transportation effi-
5 ciency to enable existing facilities to meet a signifi-
6 cant portion of future transportation needs and to
7 reduce regulatory, financial, and other transaction
8 costs to public agencies and system users;

9 (2) enhancement of safe operation of motor ve-
10 hicles, including motorcycles, and nonmotorized vehi-
11 cles on the Nation's surface transportation systems,
12 with a particular emphasis on decreasing the num-
13 ber and severity of collisions;

14 (3) protection and enhancement of the natural
15 environment and communities affected by surface
16 transportation, with particular emphasis on assisting
17 States to attain air quality goals established pursu-
18 ant to the Clean Air Act (42 U.S.C. 7401 et seq.);

19 (4) accommodation of the needs of all users of
20 the Nation's surface transportation systems, includ-
21 ing the operators of commercial vehicles, passenger
22 vehicles, and motorcycles;

23 (5) improvement of public access to employ-
24 ment, goods, and services;

1 (6) development of a technology base and nec-
2 essary standards and protocols for intelligent trans-
3 portation systems;

4 (7) improvement of the Nation's ability to re-
5 spond to emergencies and natural disasters and en-
6 hancement of national defense mobility; and

7 (8) promotion of the access and use of data col-
8 lected from projects conducted under the program
9 by public and private organizations.

10 **SEC. 653. GENERAL AUTHORITIES AND REQUIREMENTS.**

11 (a) COOPERATION AND CONSULTATION REQUIRE-
12 MENTS.—

13 (1) COOPERATION WITH GOVERNMENTAL, PRI-
14 VATE, AND EDUCATIONAL ENTITIES.—The Secretary
15 shall carry out the ITS program in cooperation with
16 State and local governments and other public enti-
17 ties, the United States private sector, and colleges
18 and universities, including historically black colleges
19 and universities and other minority institutions of
20 higher education.

21 (2) CONSULTATION WITH FEDERAL OFFI-
22 CIALS.—In carrying out the ITS program, the Sec-
23 retary, as appropriate, shall consult with the Sec-
24 retary of Commerce, the Secretary of the Treasury,
25 the Administrator of the Environmental Protection

1 Agency, the Director of the National Science Foun-
2 dation, and the heads of other Federal departments
3 and agencies.

4 (b) STANDARDS.—

5 (1) DEVELOPMENT OF NATIONAL ITS ARCHI-
6 TECTURE.—The Secretary shall develop, implement,
7 and maintain a national ITS architecture and stand-
8 ards and protocols to promote the widespread use
9 and evaluation of ITS technology as a component of
10 the Nation's surface transportation systems.

11 (2) INTEROPERABILITY AMONG ITS TECH-
12 NOLOGIES.—The national ITS architecture shall
13 promote interoperability among ITS technologies im-
14 plemented throughout the States.

15 (3) USE OF SERVICES OF STANDARDS-SETTING
16 ORGANIZATIONS.—In carrying out this subsection,
17 the Secretary may use the services of standards-set-
18 ting organizations.

19 (4) ESTABLISHMENT OF DEDICATED SHORT-
20 RANGE VEHICLE TO WAYSIDE WIRELESS STAND-
21 ARD.—In carrying out this subsection, the Secretary,
22 in consultation with the Secretary of Commerce, the
23 Secretary of Defense, and the Federal Communica-
24 tions Commission, shall take such actions as may be
25 necessary to secure the necessary spectrum for the

1 near-term establishment of a dedicated short-range
2 vehicle to wayside wireless standard.

3 (c) EVALUATIONS.—

4 (1) GUIDELINES AND REQUIREMENTS.—The
5 Secretary shall issue guidelines and requirements for
6 the evaluation of field and related operational tests
7 carried out under section 655 of this Act.

8 (2) OBJECTIVITY AND INDEPENDENCE.—The
9 guidelines and requirements issued under paragraph
10 (1) shall include provisions to ensure the objectivity
11 and independence of the evaluator and to avoid any
12 real or apparent conflict of interest or potential in-
13 fluence on the outcome by parties to the tests or any
14 other formal evaluation conducted under this sub-
15 title.

16 (3) NONAPPLICABILITY OF PAPERWORK REDUC-
17 TION ACT OF 1995.—The Paperwork Reduction Act
18 of 1995 (44 U.S.C. 3501–3520) shall not apply to
19 any survey, questionnaire, or interview that the Sec-
20 retary considers necessary to evaluate the tests or
21 assess activities carried out under this subtitle.

22 (d) INFORMATION CLEARINGHOUSE.—

23 (1) ESTABLISHMENT.—The Secretary shall es-
24 tablish and maintain a repository for technical and
25 safety data collected as a result of federally-spon-

1 sored projects under this subtitle and shall make,
2 upon request, such information (except for propri-
3 etary information and data) readily available to all
4 users of the repository at an appropriate cost.

5 (2) DELEGATION OF AUTHORITY.—The Sec-
6 retary may delegate the responsibility of the Sec-
7 retary under this subsection, with continuing over-
8 sight by the Secretary, to an appropriate entity that
9 is not within the Department of Transportation. Any
10 entity to which such responsibility is delegated shall
11 be eligible for Federal assistance under this subtitle.

12 (e) ADVISORY COMMITTEES.—

13 (1) IN GENERAL.—The Secretary may utilize 1
14 or more advisory committees in carrying out this
15 subtitle.

16 (2) APPLICABILITY OF FEDERAL ADVISORY
17 COMMITTEE ACT.—Any advisory committee utilized
18 under this subsection shall be subject to the Federal
19 Advisory Committee Act (5 U.S.C. App., 86 Stat.
20 770).

21 (3) FUNDING.—Funding provided for an advi-
22 sory committee utilized under this subsection shall
23 be available from moneys appropriated for advisory
24 committees as specified in relevant appropriations
25 Acts and from funds allocated for research, develop-

1 ment, and implementation activities in connection
2 with the ITS program.

3 (f) CONFORMITY WITH STANDARDS.—

4 (1) IN GENERAL.—The Secretary shall ensure
5 that ITS projects carried out using funds made
6 available out of the Highway Trust Fund conform to
7 the national ITS architecture and standards and
8 protocols developed under subsection (b).

9 (2) EXCEPTION.—Paragraph (1) shall not
10 apply to projects carried out using funds authorized
11 for specific research objectives in the National ITS
12 Program Plan under section 654 of this Act.

13 (g) LIFE-CYCLE COST ANALYSIS.—The Secretary
14 shall require an analysis of the life-cycle costs of each
15 project carried out using funds made available under this
16 subtitle, and each project authorized in section 656 of this
17 Act, for operations and maintenance of ITS elements,
18 where the total initial capital costs of the such elements
19 exceed \$3,000,000.

20 (h) PROCUREMENT METHODS.—

21 (1) TECHNICAL ASSISTANCE.—The Secretary
22 shall develop appropriate technical assistance and
23 guidance to assist State and local agencies in evalu-
24 ating and selecting appropriate methods of procure-
25 ment for its projects carried out using funds made

1 available from the Highway Trust Fund, including
2 innovative and nontraditional methods of procure-
3 ment.

4 (2) ITS SOFTWARE.—To the maximum extent
5 practicable, contracting officials shall use as a criti-
6 cal evaluation criterion the Software Engineering In-
7 stitute’s Capability Maturity Model, or another simi-
8 lar recognized standard risk assessment methodol-
9 ogy, to reduce the cost, schedule, and performance
10 risks associated with the development, management,
11 and integration of ITS software.

12 **SEC. 654. NATIONAL ITS PROGRAM PLAN.**

13 (a) NATIONAL ITS PROGRAM PLAN.—

14 (1) UPDATES.—The Secretary shall maintain
15 and update, as necessary, the National ITS Program
16 Plan developed by the Department of Transportation
17 and the Intelligent Transportation Society of Amer-
18 ica.

19 (2) SCOPE.—The National ITS Program Plan
20 shall—

21 (A) specify the goals, objectives, and mile-
22 stones for the deployment of intelligent trans-
23 portation infrastructure in the context of major
24 metropolitan areas, smaller metropolitan and

1 rural areas, and commercial vehicle information
2 systems and networks;

3 (B) specify how specific programs and
4 projects relate to the goals, objectives, and mile-
5 stones referred to in subparagraph (A), includ-
6 ing consideration of the 5-, 10-, and 20-year
7 timeframes for the goals and objectives;

8 (C) establish a course of action necessary
9 to achieve the program's goals and objectives;

10 (D) provide for the evolutionary develop-
11 ment of standards and protocols to promote
12 and ensure interoperability in the implementa-
13 tion of ITS technologies; and

14 (E) establish a cooperative process with
15 State and local governments for determining
16 desired surface transportation system perform-
17 ance levels and developing plans for national in-
18 corporation of specific ITS capabilities into sur-
19 face transportation systems.

20 (b) IMPLEMENTATION REPORTS.—Not later than 1
21 year after the date of the enactment of this Act, and bien-
22 nially thereafter, the Secretary shall transmit to the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives and the Committee on Environment

1 and Public Works of the Senate a report on implementa-
2 tion of the National ITS Program Plan.

3 **SEC. 655. TECHNICAL ASSISTANCE, PLANNING, RESEARCH,**
4 **AND OPERATIONAL TESTS.**

5 (a) TECHNICAL ASSISTANCE, TRAINING, AND INFOR-
6 MATION.—The Secretary may provide technical assistance,
7 training, and information to State and local governments
8 seeking to implement, operate, maintain, and evaluate ITS
9 technologies and services.

10 (b) TRANSPORTATION PLANNING.—The Secretary
11 may provide funding to support adequate consideration of
12 transportation system management and operations, in-
13 cluding ITS, within metropolitan and statewide transpor-
14 tation planning processes.

15 (c) RESEARCH AND OPERATIONAL TESTS.—The Sec-
16 retary may provide funding for research and operational
17 tests relating to ITS.

18 (d) DEMONSTRATION AND EVALUATION OF INTEL-
19 LIGENT VEHICLE HIGHWAY SYSTEMS.—The Secretary
20 may conduct research and development activities for the
21 purpose of demonstrating integrated intelligent vehicle
22 highway systems and roadway safety systems. Such re-
23 search shall include state-of-the-art systems and shall inte-
24 grate collision avoidance, in-vehicle information, and other
25 safety related systems (including infrastructure-based sys-

1 tems). Development work shall incorporate human factors
2 research findings.

3 **SEC. 656. ITS DEPLOYMENT.**

4 (a) INTELLIGENT TRANSPORTATION INFRASTRUC-
5 TURE DEPLOYMENT INCENTIVES PROGRAM.—The Sec-
6 retary shall conduct a program to promote the deployment
7 of regionally integrated, intermodal intelligent transpor-
8 tation systems and, through financial and technical assist-
9 ance under this subtitle, shall assist in the development
10 and implementation of such systems.

11 (b) GOALS.—In accordance with the National ITS
12 Program Plan under section 654 of this Act, the Secretary
13 shall provide incentives for the deployment of integrated
14 applications of intermodal, intelligent transportation infra-
15 structure and system technologies to—

16 (1) stimulate sufficient deployment to validate
17 and accelerate the establishment of national ITS
18 standards and protocols;

19 (2) realize the benefits of regionally integrated,
20 intermodal deployment of intelligent transportation
21 infrastructure and commercial vehicle operations, in-
22 cluding electronic border crossing applications; and

23 (3) motivate innovative approaches to over-
24 coming non-technical constraints or impediments to
25 deployment.

1 (c) PROJECT SELECTION.—In order to be eligible for
2 funding under this section, a project shall—

3 (1) contribute to national deployment goals and
4 objectives outlined in the National ITS Program
5 Plan under section 654 of this Act;

6 (2) demonstrate a strong commitment to co-
7 operation among agencies, jurisdictions, and the pri-
8 vate sector, as evidenced by signed memorandums of
9 understanding that clearly define the responsibilities
10 and relation of all parties to a partnership arrange-
11 ment, including institutional relationships and finan-
12 cial agreements needed to support deployment, and
13 commitment to the criteria provided in paragraphs
14 (3) through (7);

15 (3) demonstrate commitment to a comprehen-
16 sive plan of fully integrated ITS deployment in ac-
17 cordance with the national ITS architecture and
18 standards and protocols established under section
19 653(b) of this Act;

20 (4) be part of approved plans and programs de-
21 veloped under applicable statewide and metropolitan
22 transportation planning processes and applicable
23 State air quality implementation plans at the time
24 Federal funds are sought;

1 (5) minimize the relative percentage and
2 amount of Federal contributions under this section
3 to total project costs;

4 (6) ensure continued, long-term operations and
5 maintenance without continued reliance on Federal
6 funding under this subtitle, along with documented
7 evidence of fiscal capacity and commitment from an-
8 ticipated public and private sources; and

9 (7) demonstrate technical capacity for effective
10 operations and maintenance or commitment to ac-
11 quiring necessary skills.

12 (d) FUNDING LIMITATIONS.—

13 (1) PROJECTS IN METROPOLITAN AREAS.—

14 Funding under this section for intelligent transpor-
15 tation infrastructure projects in metropolitan areas
16 shall be limited to activities primarily necessary to
17 integrate intelligent transportation infrastructure
18 elements either deployed or to be deployed with
19 other sources of funds.

20 (2) OTHER PROJECTS.—For commercial vehicle
21 projects and projects outside metropolitan areas,
22 funding provided under this subtitle may also be
23 used for installation of intelligent transportation in-
24 frastructure elements.

1 (3) FISCAL YEAR LIMITATIONS.—Of the
2 amounts made available to carry out this section in
3 a fiscal year—

4 (A) not more than \$15,000,000 may be
5 used for projects in a metropolitan area;

6 (B) not more than \$2,000,000 may be
7 used for a project in a rural area;

8 (C) not more than \$5,000,000 may be
9 used for a commercial vehicle information sys-
10 tem and network project; and

11 (D) not more than \$35,000,000 may be
12 used for projects in a State.

13 (4) PRIORITIES.—In providing funding for
14 projects under this section, the Secretary shall allo-
15 cate—

16 (A) not less than 25 percent of the funds
17 made available to carry out this section to eligi-
18 ble State and local entities for the implementa-
19 tion of commercial vehicle information systems
20 and networks, and international border crossing
21 improvements, in support of public sector com-
22 mercial vehicle operations nationwide; and

23 (B) not less than 10 percent of such funds
24 for other intelligent transportation infrastruc-

1 ture deployment activities outside of metropoli-
2 tan areas.

3 **SEC. 657. FUNDING ALLOCATIONS.**

4 (a) INTELLIGENT TRANSPORTATION INFRASTRUC-
5 TURE DEPLOYMENT INCENTIVES PROGRAM.—

6 (1) ALLOCATION.—Of the amounts made avail-
7 able for each of fiscal years 1998 through 2000 by
8 section 127(a)(3)(I) of this Act, \$75,000,000 per fis-
9 cal year shall be available to carry out section 656
10 of this Act.

11 (2) USE OF UNALLOCATED AMOUNTS.—In addi-
12 tion to amounts made available by subsection (b),
13 any amounts made available under paragraph (1)
14 and not allocated by the Secretary for carrying out
15 section 656 of this Act may be used by the Secretary
16 for carrying out other activities authorized under
17 this subtitle.

18 (b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVI-
19 TIES.—Of the amounts made available for each of fiscal
20 years 1998 through 2000 by section 127(a)(3)(I) of this
21 Act, \$100,000,000 per fiscal year shall be available to
22 carry out multi-year research and technology development
23 initiatives under this subtitle (other than projects under
24 section 656 of this Act).

25 (c) FEDERAL SHARE PAYABLE.—

1 (1) INTELLIGENT TRANSPORTATION INFRA-
2 STRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—
3 For activities funded with amounts allocated under
4 subsection (a), the Federal share payable from such
5 amounts shall not exceed 50 percent of the costs of
6 the activities, and the total Federal share payable
7 from all eligible sources (including subsection (a))
8 shall not exceed 80 percent of the costs of the activi-
9 ties.

10 (2) OTHER PROGRAMS.—For activities funded
11 with amounts allocated under subsection (b), unless
12 the Secretary determines otherwise, the Federal
13 share payable on account of such activities shall not
14 exceed 80 percent of the costs of the activities.

15 (3) LONG-RANGE ACTIVITIES.—For long-range
16 activities undertaken in partnership with private en-
17 tities for the purposes of section 655(d) of this Act,
18 the Federal share payable from funds allocated
19 under this subtitle on account of such activities shall
20 not exceed 50 percent of the costs of the activities,
21 and the total Federal share payable from all eligible
22 sources (including subsection (a)) shall not exceed
23 80 percent of the costs of the activities.

24 (4) PARTICIPATION OF OTHER PUBLIC AND PRI-
25 VATE SOURCES.—The Secretary shall seek maximum

1 participation in the funding of activities under this
2 subtitle from other public and private sources, and
3 shall minimize the use of funds provided under this
4 subtitle for the construction or long-term acquisition
5 of buildings and grounds.

6 **SEC. 658. REPEAL.**

7 Part B of title VI of the Intermodal Surface Trans-
8 portation Efficiency Act of 1991 (105 Stat. 2189–2195)
9 is repealed.

10 **TITLE VII—TRUTH IN**
11 **BUDGETING**

12 **SEC. 701. BUDGETARY TREATMENT OF HIGHWAY TRUST**
13 **FUND, AIRPORT AND AIRWAY TRUST FUND,**
14 **INLAND WATERWAYS TRUST FUND, AND HAR-**
15 **BOR MAINTENANCE TRUST FUND.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law except the Line Item Veto Act of 1996, the
18 receipts and disbursements of the Highway Trust Fund,
19 the Airport and Airway Trust Fund, the Inland Water-
20 ways Trust Fund, and the Harbor Maintenance Trust
21 Fund—

22 (1) shall not be counted as new budget author-
23 ity, outlays, receipts, or deficit or surplus for pur-
24 poses of—

1 (A) the budget of the United States Gov-
2 ernment as submitted by the President,

3 (B) the congressional budget (including al-
4 locations of budget authority and outlays pro-
5 vided therein), or

6 (C) the Balanced Budget and Emergency
7 Deficit Control Act of 1985; and

8 (2) shall be exempt from any general budget
9 limitation imposed by statute on expenditures and
10 net lending (budget outlays) of the United States
11 Government.

12 (b) LIMITATION ON INTEREST PAID TO TRUST
13 FUNDS.—

14 (1) IN GENERAL.—Paragraph (3) of section
15 9602(b) of the Internal Revenue Code of 1986 is
16 amended by adding at the end the following new
17 sentence: “The amount of interest credited to the
18 Airport and Airway Trust Fund, the Highway Trust
19 Fund, the Harbor Maintenance Trust Fund, or the
20 Inland Waterways Trust Fund for any fiscal year
21 shall not exceed the amount of interest which would
22 be credited to such Fund if such interest were deter-
23 mined at the average interest rate on 52-week
24 Treasury securities sold to the public during such
25 fiscal year.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall apply to fiscal years begin-
3 ning after the date of the enactment of this Act.

4 **SEC. 702. SAFEGUARDS AGAINST DEFICIT SPENDING OUT**
5 **OF AIRPORT AND AIRWAY TRUST FUND.**

6 (a) IN GENERAL.—Chapter 471 of title 49, United
7 States Code, is amended by inserting after section 47134
8 the following new section:

9 **“§ 47135. Safeguards against deficit spending**

10 “(a) ESTIMATES OF UNFUNDED AVIATION AUTHOR-
11 IZATIONS AND NET AVIATION RECEIPTS.—Not later than
12 March 31 of each year, the Secretary, in consultation with
13 the Secretary of the Treasury, shall estimate—

14 “(1) the amount which would (but for this sec-
15 tion) be the unfunded aviation authorizations at the
16 close of the first fiscal year that begins after that
17 March 31, and

18 “(2) the net aviation receipts at the close of
19 such fiscal year.

20 “(b) PROCEDURE IF EXCESS UNFUNDED AVIATION
21 AUTHORIZATIONS.—If the Secretary determines for any
22 fiscal year that the amount described in subsection (a)(1)
23 exceeds the amount described in subsection (a)(2), the
24 Secretary shall determine the amount of such excess.

1 “(c) ADJUSTMENT OF AUTHORIZATIONS IF UN-
2 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

3 “(1) DETERMINATION OF PERCENTAGE.—If the
4 Secretary determines that there is an excess referred
5 to in subsection (b) for a fiscal year, the Secretary
6 shall determine the percentage which—

7 “(A) such excess, is of

8 “(B) the total of the amounts authorized
9 to be appropriated from the Airport and Airway
10 Trust Fund for the next fiscal year.

11 “(2) ADJUSTMENT OF AUTHORIZATIONS.—If
12 the Secretary determines a percentage under para-
13 graph (1), each amount authorized to be appro-
14 priated from the Airport and Airway Trust Fund for
15 the next fiscal year shall be reduced by such percent-
16 age.

17 “(d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-
18 HELD.—

19 “(1) ADJUSTMENT OF AUTHORIZATIONS.—If,
20 after a reduction has been made under subsection
21 (c)(2), the Secretary determines that the amount de-
22 scribed in subsection (a)(1) does not exceed the
23 amount described in subsection (a)(2) or that the ex-
24 cess referred to in subsection (b) is less than the
25 amount previously determined, each amount author-

1 ized to be appropriated that was reduced under sub-
2 section (c)(2) shall be increased, by an equal per-
3 centage, to the extent the Secretary determines that
4 it may be so increased without causing the amount
5 described in subsection (a)(1) to exceed the amount
6 described in subsection (a)(2) (but not by more than
7 the amount of the reduction).

8 “(2) APPORTIONMENT.—The Secretary shall
9 apportion amounts made available for apportionment
10 by paragraph (1).

11 “(3) PERIOD OF AVAILABILITY.—Any funds ap-
12 portioned under paragraph (2) shall remain available
13 for the period for which they would be available if
14 such apportionment took effect with the fiscal year
15 in which they are apportioned under paragraph (2).

16 “(e) REPORTS.—Any estimate under subsection (a)
17 and any determination under subsection (b), (c), or (d)
18 shall be reported by the Secretary to Congress.

19 “(f) DEFINITIONS.—For purposes of this section, the
20 following definitions apply:

21 “(1) NET AVIATION RECEIPTS.—The term ‘net
22 aviation receipts’ means, with respect to any period,
23 the excess of—

1 “(A) the receipts (including interest) of the
2 Airport and Airway Trust Fund during such
3 period, over

4 “(B) the amounts to be transferred during
5 such period from the Airport and Airway Trust
6 Fund under section 9502(d) of the Internal
7 Revenue Code of 1986 (other than paragraph
8 (1) thereof).

9 “(2) UNFUNDED AVIATION AUTHORIZATIONS.—
10 The term ‘unfunded aviation authorization’ means,
11 at any time, the excess (if any) of—

12 “(A) the total amount authorized to be ap-
13 propriated from the Airport and Airway Trust
14 Fund which has not been appropriated, over

15 “(B) the amount available in the Airport
16 and Airway Trust Fund at such time to make
17 such appropriation (after all other unliquidated
18 obligations at such time which are payable from
19 the Airport and Airway Trust Fund have been
20 liquidated).”.

21 (b) CONFORMING AMENDMENT.—The analysis for
22 chapter 471 of title 49, United States Code, is amended
23 by inserting after the item relating to section 47134 the
24 following:

“47135. Safeguards against deficit spending.”.

1 **SEC. 703. SAFEGUARDS AGAINST DEFICIT SPENDING OUT**
2 **OF THE INLAND WATERWAYS TRUST FUND**
3 **AND HARBOR MAINTENANCE TRUST FUND.**

4 (a) ESTIMATES OF UNFUNDED INLAND WATERWAYS
5 AUTHORIZATIONS AND NET INLAND WATERWAYS RE-
6 CEIPTS.—Not later than March 31 of each year, the Sec-
7 retary of the Army, in consultation with the Secretary of
8 the Treasury, shall estimate—

9 (1) the amount which would (but for this sec-
10 tion) be the unfunded inland waterways authoriza-
11 tions and unfunded harbor maintenance authoriza-
12 tions at the close of the first fiscal year that begins
13 after that March 31; and

14 (2) the net inland waterways receipts and net
15 harbor maintenance receipts at the close of such fis-
16 cal year.

17 (b) PROCEDURE IF EXCESS UNFUNDED INLAND WA-
18 TERWAYS AUTHORIZATIONS.—If the Secretary of the
19 Army determines with respect to the Inland Waterways
20 Trust Fund or the Harbor Maintenance Trust Fund for
21 any fiscal year that the amount described in subsection
22 (a)(1) exceeds the amount described in subsection (a)(2),
23 the Secretary shall determine the amount of such excess.

24 (c) ADJUSTMENT OF AUTHORIZATIONS IF UN-
25 FUNDED AUTHORIZATIONS EXCEED RECEIPTS.—

1 (1) DETERMINATION OF PERCENTAGE.—If the
2 Secretary of the Army determines that there is an
3 excess referred to in subsection (b) for a fiscal year,
4 the Secretary of the Army shall determine the per-
5 centage which—

6 (A) such excess, is of

7 (B) the total of the amounts authorized to
8 be appropriated from the Inland Waterways
9 Trust Fund or the Harbor Maintenance Trust
10 Fund, as the case may be, for the next fiscal
11 year.

12 (2) ADJUSTMENT OF AUTHORIZATIONS.—If the
13 Secretary of the Army determines a percentage
14 under paragraph (1), each amount authorized to be
15 appropriated from the Trust Fund for the next fiscal
16 year shall be reduced by such percentage.

17 (d) AVAILABILITY OF AMOUNTS PREVIOUSLY WITH-
18 HELD.—If, after an adjustment has been made under sub-
19 section (c)(2), the Secretary of the Army determines with
20 respect to the Inland Waterways Trust Fund or the Har-
21 bor Maintenance Trust Fund that the amount described
22 in subsection (a)(1) does not exceed the amount described
23 in subsection (a)(2) or that the excess referred to in sub-
24 section (b) with respect to the Trust Fund is less than
25 the amount previously determined, each amount author-

1 ized to be appropriated that was reduced under subsection
2 (c)(2) with respect to the Trust Fund shall be increased,
3 by an equal percentage, to the extent the Secretary of the
4 Army determines that it may be so increased without caus-
5 ing the amount described in subsection (a)(1) to exceed
6 with respect to the Trust Fund the amount described in
7 subsection (a)(2) (but not by more than the amount of
8 the reduction).

9 (e) REPORTS.—Any estimate under subsection (a)
10 and any determination under subsection (b), (c), or (d)
11 shall be reported by the Secretary of the Army to Con-
12 gress.

13 (f) DEFINITIONS.—For purposes of this title, the fol-
14 lowing definitions apply:

15 (1) AIRPORT AND AIRWAY TRUST FUND.—The
16 term “Airport and Airway Trust Fund” means the
17 Airport and Airway Trust Fund established by sec-
18 tion 9502 of the Internal Revenue Code of 1986.

19 (2) HARBOR MAINTENANCE TRUST FUND.—The
20 term “Harbor Maintenance Trust Fund” means the
21 Harbor Maintenance Trust Fund established by sec-
22 tion 9505 of the Internal Revenue Code of 1986.

23 (3) HIGHWAY TRUST FUND.—The term “High-
24 way Trust Fund” means the Highway Trust Fund

1 established by section 9503 of the Internal Revenue
2 Code of 1986.

3 (4) INLAND WATERWAYS TRUST FUND.—The
4 term “Inland Waterways Trust Fund” means the
5 Inland Waterways Trust Fund established by section
6 9506 of the Internal Revenue Code of 1986.

7 (5) NET HARBOR MAINTENANCE RECEIPTS.—
8 The term “net harbor maintenance receipts” means,
9 with respect to any period, the receipts (including in-
10 terest) of the Harbor Maintenance Trust Fund dur-
11 ing such period.

12 (6) NET INLAND WATERWAYS RECEIPTS.—The
13 term “net inland waterways receipts” means, with
14 respect to any period, the receipts (including inter-
15 est) of the Inland Waterways Trust Fund during
16 such period.

17 (7) UNFUNDED INLAND WATERWAYS AUTHOR-
18 IZATIONS.—The term “unfunded inland waterways
19 authorizations” means, at any time, the excess (if
20 any) of—

21 (A) the total amount authorized to be ap-
22 propriated from the Inland Waterways Trust
23 Fund which has not been appropriated, over

1 (B) the amount available in the Inland
2 Waterways Trust Fund at such time to make
3 such appropriations.

4 (8) UNFUNDED HARBOR MAINTENANCE AU-
5 THORIZATIONS.—The term “unfunded harbor main-
6 tenance authorizations” means, at any time, the ex-
7 cess (if any) of—

8 (A) the total amount authorized to be ap-
9 propriated from the Harbor Maintenance Trust
10 Fund which has not been appropriated, over

11 (B) the amount available in the Harbor
12 Maintenance Trust Fund at such time to make
13 such appropriations.

14 **SEC. 704. APPLICABILITY.**

15 This title (including the amendments made by this
16 title) shall apply to fiscal years beginning after September
17 30, 1997.